OUR CONSTITUTION

A·J·CLOUD

OUR CONSTITUTION

Its Story - Its Meaning - Its Use

by A. J. Cloud, Chief Deputy Superintendent of San Francisco Schools, meets the increasing demand on the part of educators and legislatures throughout the country, that a complete course of instruction in the principles of the federal Constitution be given in the schools.

OUR CONSTITUTION furnishes a brief historical background, a simple explanation of the Constitution itself, and helpful applications to everyday problems in citizenship.

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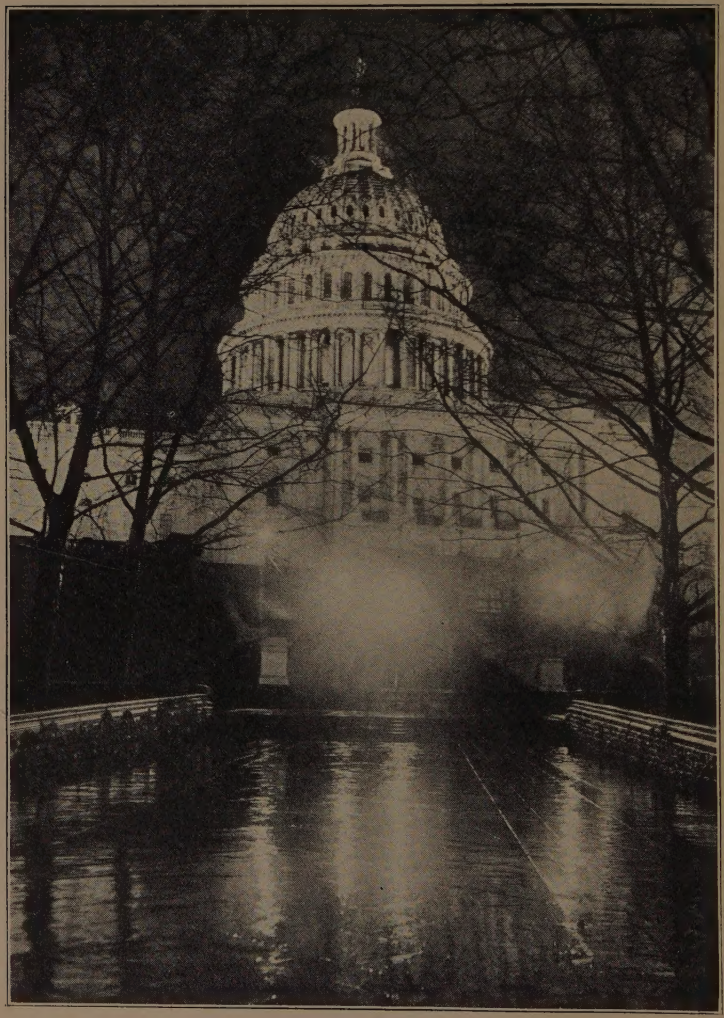

OUR NATIONAL CAPITOL

Our Constitution

ITS STORY
ITS MEANING
ITS USE

BY

A. J. CLOUD

CHIEF DEPUTY SUPERINTENDENT OF SCHOOLS
SAN FRANCISCO, CALIFORNIA

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The United States Coast Guard very kindly furnished us with copy for the picture on page 83.

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TO

E. W. C.

PREFACE

The disturbance of world conditions doubtless lies at the foundation of the deeper interest in public affairs manifested of late by the American people. Indications on every side lead to the belief that we have entered an era of truer appreciation than formerly of the benefits afforded by our system of government, as well as of a keener realization of our duty to participate more actively in its operation. This movement is reflected in the passage of laws by several State legislatures, requiring the schools to provide a definite and complete course of instruction in the principles and provisions of the federal Constitution.

Our Constitution: Its Story—Its Meaning—Its Use is written in direct response to the laudable movement just noted. It is an elementary commentary upon the Constitution of the United States with applications to problems of citizenship. The plan of the book is as follows:

I. Part One contains a simple explanation of the nature of government in general, and of our system of government in particular. The aim of this part is to bring to the pupil a realization of the need for and the slow evolution of governmental forms; and to make him see that government is not something willed to men, forced upon them by some outside power, but that it has been deliberately, and in many cases painfully, developed by men in order that they may live happier and better lives. This discussion should prepare the pupil to examine his own country's government with greater respect and seriousness.

The forces which moved the colonists to closer union, and the tremendous problems that faced our nation's founders

are next discussed. Then follows an account of the actual drawing up of the Constitution. All this is intended to impress upon the pupil the fact that this Constitution which he is about to study was no easily constructed, hastily contrived affair, but a document born out of great needs, the product of the most wearying labor, the soberest, profoundest thought, and the wisest compromise; that it was an effort of tremendous import to the world as well as to America.

II. The individual clauses of the Constitution are explained in Part Two. Two main purposes have been kept in view: to emphasize and make clear the clauses involving the great and fundamental principles of our government; to make clear those parts of the governmental machinery with which the pupil is most likely to come in contact. The general emphasis in this part has been put upon principles rather than methods, except where those methods come in somewhat close and obvious touch with the everyday life of the pupil; thus:

1. The clauses dealing with the organization and election of the national law-making body, the Congress, are discussed in such a manner as to stress the responsibility of the law-makers to the people and the people's final authority over them. The powers of Congress are taken up in such a way as to bring out the value of having a strong central government, and the service it renders to each and every citizen. These services are discussed specifically. Those clauses guaranteeing the fundamental rights of the citizens, such as *habeas corpus*, trial by jury, freedom of speech, of religious worship, and of the press, are emphasized and clearly explained.

2. The influence, position, and work of the President and the organization and duties of his Cabinet are dwelt upon at

length, for they are subjects constantly brought to the pupil's attention both in school and out. The postal service, reclamation work, weather bureaus, public health work, etc., are taken up in this connection.

3. The judicial department, difficult for the immature mind to comprehend and seldom touching the pupil in any obvious way, is discussed simply and briefly. The object here is merely to let the pupil know what the courts are for, and to make him familiar with certain commonly used terms.

Although every clause of the Constitution is presented and discussed, much technical matter beyond the comprehension of the pupil is omitted, and only the briefest comment is given on certain clauses which cannot be made significant to the pupil at this stage of his development.

III. An Appendix contains the major part of the Declaration of Independence, the Constitution printed without break, and a series of questions designed to meet the needs of a thorough review of the actual information in the text.

IV. At the ends of the chapters are questions and problems, suggested activities, and references. These are, in the main, intended to be thought-provoking, to make the text matter more real and vivid, to broaden the study, and to bring out some of the problems of good citizenship. At the end of the book are added a complete index and a glossary of the difficult terms used in the text of the Constitution.

If the book proves of real service in fostering a more active and intelligent interest in the Constitution, and in developing more fully a sense of the values and duties of citizenship, it will have fulfilled its mission.

A. J. Cloud

San Francisco, California
December 1, 1923

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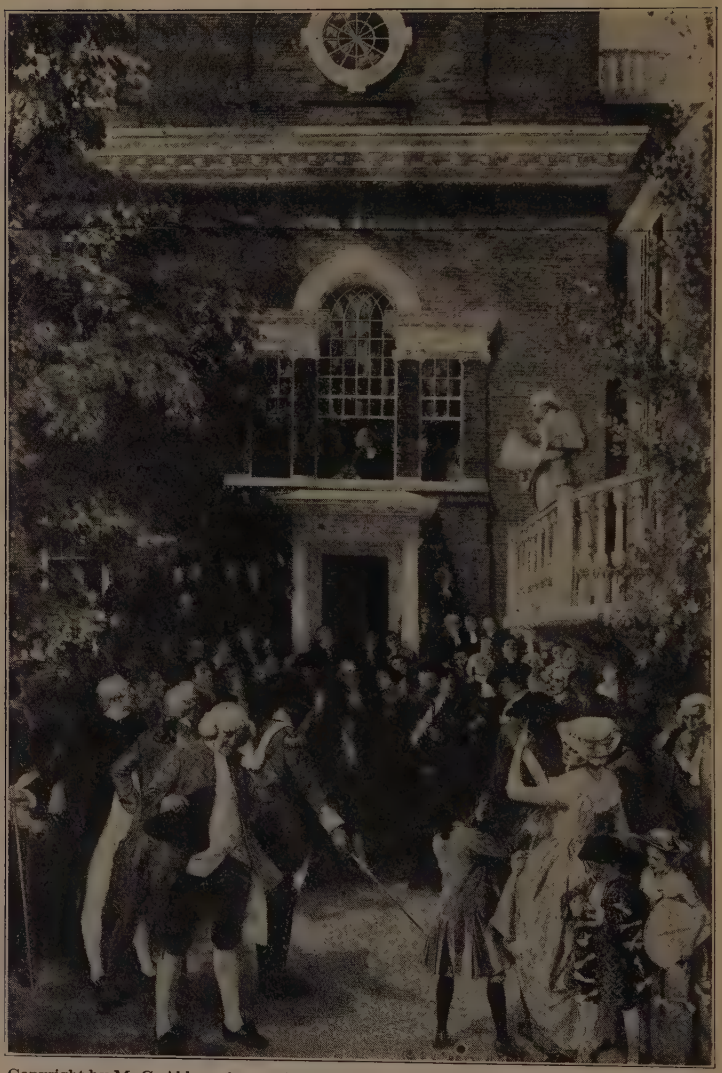
PART ONE

WHY WE HAVE GOVERNMENTS; HOW OUR OWN GOVERNMENT CAME TO BE

Each one of us obtains in his schooling something which not he, but the community, has paid for. He must return it to the community in full, in the shape of good citizenship.—*Theodore Roosevelt.*



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READING THE DECLARATION OF INDEPENDENCE

CHAPTER I

THE BACKGROUND OF GOVERNMENT

> Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom.
> —*Edmund Burke.*

Why Governments Exist

Because we are human beings, all of us have individual wants to be satisfied, and needs to be met. We must have food, clothing, and shelter. Otherwise, we cannot live.

Because we live with and among other human beings, we have wants and needs in common with them. We must have help from other people, and we must also give help to them. Thus, at home in the family, our fathers and mothers do their best to see that we are saved from hunger, cold, fire, and disease. We, on our part, try to do our best to make the lives of our fathers and mothers happy and comfortable. In the same way, in the school, on the playground, and in the office or the shop, we have needs that we share in common with other people. We speak of them as public needs.

We can satisfy our public needs better by working with other people than by working alone. Indeed, we cannot satisfy fully our individual needs unless we do work together to meet our public needs as well. Teamwork gets results where the efforts of one person fail. This fact led men to join together into nations and to form governments as a means of best meeting their public needs.

The Beginnings of Government

The human race has had to learn by long and hard experience how to form and use governments. It will be worth our while, therefore, to find how men have learned a lesson of so much value to them.

In the beginning, human beings seem to have lived together in small family groups. Often these families

VILLAGE OF AN EARLY EUROPEAN TRIBE

roamed about from place to place in search of food and shelter. In time, several families joined into one body so that they might better gain the everyday necessities of life, and also defend themselves more successfully against wild beasts and other enemies. These unions of families are given the name of tribes or clans. It was such tribes that the first white men in America found among the Indians.

As the human race advanced, people settled in fixed places. It came about that large bodies of people inhabited the same region; that they were of the same race, spoke the

same language, and had customs much alike. Such ties led them to join together in meeting their larger public needs. They learned that by working together they were able to build more permanent homes, rear families, conduct business, and enjoy more comforts and conveniences than if they stayed apart. Out of such conditions grew the next larger group—the nation.

The nation must have some *means* of carrying out its purposes. To gain for the people the rights of "life, liberty, and the pursuit of happiness," governments were formed among men. Government, then, may be thought of as teamwork on a large scale. Government is the people organized in such a way as to take care of the needs that are common to all—the public needs. "The legitimate object of government," said Abraham Lincoln, "is to do for a community of people whatever they need to have done, but cannot do themselves in their separate individual capacities." The government carries out the purposes of the nation by laying down certain rules of conduct ("laws"), which the people must obey.

The Form of Government

At different periods of history, men have had various forms of government. The form that means the most to us is the one known as "democracy." In a democracy the people meet and decide for themselves how their public needs are to be met. The people make the laws. It is said, therefore, that in a democracy the people rule themselves directly. For instance, all the pupils of a school might come together to discuss some matter of common interest, such as whether or not to enter a match game against another school. After discussion they might take a vote upon the question as to what to do.

Large bodies of people, however, cannot easily get together for such purposes at a given time and place. Hence, instead of all the people meeting to make the laws, it has been found desirable for the people to choose certain persons ("representatives") to perform this service for them. To follow further the illustration used above, if the school were too big for all the pupils to meet, they might choose a representative from each room or class. These representatives could then decide the question for the school.

This representative form of government by the people is called a "republic." In the United States we have a government of that kind. We have, as Abraham Lincoln declared, "a government of the people, by the people, and for the people." Our government is carried on by its people through their chosen representatives.

The Object of Constitutions

We have mentioned that governments may be built upon different models. This fact is equally true of many other things. Thus, one house may have two stories, and another house three, or one. The architect has drawn a plan to fit the object in mind. Again, one automobile may use gasoline as its motive power, another one electricity, and another one steam. The engineer has devised a plan to use the motive power desired. So, the form of a government depends upon its plan, or set of principles, called a "constitution." Constitutions state what are to be the powers and duties of the government, and, what is perhaps as important as anything else, they state what rights and privileges are guaranteed to the people who are to live under the government. It is the Constitution of our country that we are to study in the later parts of this book.

The Three Great Departments of Government

If governments are to carry out their purposes well, they must be given a very wide range of powers and responsibilities. On the other hand, the lives, liberties, and property of the people governed must be made safe against abuse from those who are in power. As men have worked away at the problem of governing themselves, they have come upon a scheme that helps to lessen this danger. It consists in a separation of governmental powers into three main branches.

In the first place, as we have seen, general rules of conduct, or laws, must be laid down. Good laws must be made to satisfy the common needs of the people. The law-making division, when separated from other branches of governmental service, is called the "legislative" department.

In the second place, since laws are for the common good, they must be really made to work if the people are to gain advantage from them. This fact leads to a further separation of powers of government. The branch that carries out, or enforces, the laws is called the "executive" department.

In the third place, it is necessary to have the laws understood by all. The old saying is, "many men of many minds." People differ in their opinions as to the meaning of laws, and even as to whether laws have been obeyed or not. Some way must be found by which these differences of opinion may be settled, and all the people know what the meaning ("interpretation") of the law is. This necessity has led to a still further division of governmental powers, and to the organization of the "judicial" department. This branch of government is composed of bodies of judges ("courts") who interpret the laws and punish offenders.

There have come into existence, then, three great departments of government: legislative (law-making), executive (law-enforcing), and judicial (law-interpreting).

The Federal Type of Government

The government of the United States, as set up by the people in the Constitution, is a republic. More than that, it is a republic made up by a union of the people of forty-eight other republics ("States"). The single government formed when our several States were joined together is called a "federal republic," for "federal" means "separate States joined together." For that reason, we often speak of the government of the United States as the "federal government." We shall see, as we go further into the subject, that the Federal Government deals (1) with foreign nations, and (2) with all other public needs that can be met only through united action by the people of the country taken as a whole. Each State deals with public needs that can be met through action by the people of the one State, and that do not call for united action by the people of the country as a whole.

We Americans, then, live under two separate systems of government—Federal and State. These governments run so smoothly that we allow ourselves at times almost to forget that we have governments at all. We must not forget, for we are active members of these two governments. We have formed them. We own them. We are bound to see that they meet our public needs well. We gain great benefits from both of our two systems of government. We owe, in return, a patriotic duty both to State and Nation.

Questions and Problems

1. What do you think would happen if we had no government?
2. What other forms of governments are there besides republics? Show how they differ from ours.
3. What other countries are republics?
4. If you belong to a club, tell about its laws as laid down in its constitution.
5. What would you give as examples of the three departments of government: (*a*) in your home life; (*b*) in your school life?
6. Under what two systems of government do we live? With what matters, in general, does each deal?

Suggested Activities

1. Make a list of several common or public needs that you can think of:
   (*a*) in the family
   (*b*) in the school
   (*c*) on the playground
   (*d*) in the office or the shop.

From these lists, show how common or public needs cannot be met alone by an individual. Show how they can be met when several persons unite for that purpose.

2. Make a list of several common or public needs of:
   (*a*) the tribe (for example, an Indian tribe)
   (*b*) the state or nation.

From these lists, show why governments came into existence.

Topic References

Adams: *A Community Civics*, Chapter IV.
Davis-McClure: *Our Government*, Chapters 1 and 6, and pages 136-139.
Tufts: *The Real Business of Living*, Chapter 37.
Hayes: *American Democracy*, pages 112-113.
Hughes: *Community Civics*, pages 11-16.
Hughes: *Elementary Community Civics*, Chapter I.
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Mavity and Mavity: *Responsible Citizenship*, pages 54-57.
Waterloo: *The Story of Ab.* (Fiction.)

SIGNING THE COMPACT IN THE MAYFLOWER CABIN

CHAPTER II

THE BACKGROUND OF OUR CONSTITUTION

> Yesterday the greatest question was decided that was ever debated in America; and a greater, perhaps, never was nor will be decided among men. A resolution was passed without one dissenting colony, that these United Colonies are and of a right ought to be free and independent States.—*John Adams, in a letter to Mrs. Adams, July 3, 1776.*

"Out of Many, One"

Glance at a half-dollar and find the words *E Pluribus Unum*. Have you ever stopped to question what that inscription means?

We learned in Chapter I that the government under which we live is based upon a federal union. The inscription on the coin bears witness to the fact that a union has been formed. It means "Out of Many, One."

The Roots of Our Government

It was not easy to form this federal union of ours. The Federal Government was not born in a day. It is, indeed, deeply rooted in the past. Men had first to learn by pain and suffering down through the centuries how to govern themselves. Our form of government is so priceless a gift to us who inherit it that, surely, we must wish to know all we can about it—why it was formed; how it was made; who made it; how it serves us; and how we may and should

serve it. We can get a larger and better understanding of these matters if we take a look backward into our history.

The Rise of Self-Government in the Colonies

To govern themselves as they chose was one of the important reasons why Englishmen left their native land to face the perils of life in the unknown New World.

The "Pilgrim Fathers" came ashore at Plymouth, on the present Massachusetts coast, on December 21, 1620. Before landing, these liberty-loving men met in the cabin of their famous ship, the *Mayflower*, and drew up and signed a written agreement to form their own government. In this agreement, called the "Mayflower Compact," the Pilgrims promised that they would obey the laws laid down by themselves as members of that government. This "Compact" has been called the first written constitution in history. Under this form of self-government the Plymouth colony lived throughout the first years of hardship, and grew into a flourishing settlement.

Many of the other early colonies started under written documents ("charters"), issued by the British government, granting to the colonists the right to settle in territory belonging to that government. Because of the rights given them by their charters, the colonists for a full century and more had a large share in the actual management of their own public affairs. They gained constant drill and exercise in the art of making laws and applying them. Thus, in Virginia, the original charter gave the colonists all the rights and privileges of Englishmen. Under this charter they chose representatives to the first law-making body ("legislature") to meet in America. This body, known as the "House of Burgesses," assembled at James-

town in 1619. Again, in the New England colonies, the "town meeting," composed of the men of each local settlement, passed laws for the people of each town, and elected men to carry out those laws. The representatives to the legislature of each colony were chosen by the towns.

The colonists naturally clung to these charters as being very precious. They did not wish their freedom to be taken away, and when the "mother country" began to interfere with these privileges (which she did as time went on), the colonists stood manfully for their liberties. Once, for instance, Sir Edmund Andros, acting for the British King, attempted to seize the charter of Connecticut. On his orders the charter was brought out. It was night, and suddenly in the midst of the meeting, the lights were put out by the angry colonists; before they could be made to glow again, the charter had been snatched away. It was taken and hidden in a hollow oak tree, known to this day as the "Charter Oak."

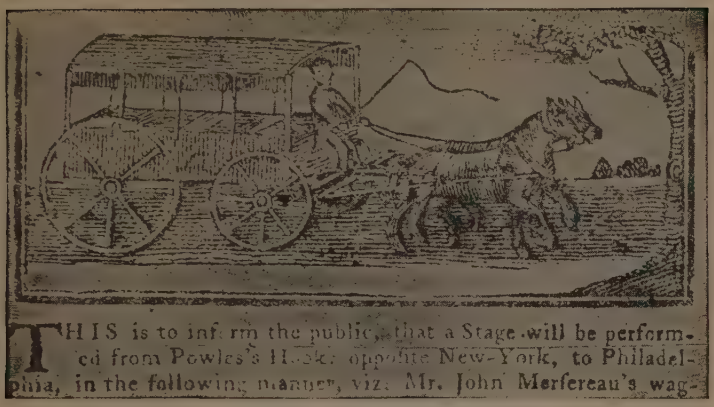
A story like that helps us to see how strongly the colonists were attached to their liberties, and how stoutly they resisted all attacks upon their rights of self-government. Although changes did come about, the colonists continued, on the whole, to keep a firm hold on their own public affairs. The people in each colony had much training in self-government, because they elected their representatives to one branch of the colony's law-making body. Moreover, the branch to which the people elected their representatives was the one that voted the money ("taxes") to pay the expenses of government. It was the branch, also, that decided for what purposes the tax money should be used. These are very great powers. It is said that the person who holds the purse is the one who really rules. The people in the colonies, therefore, by means of their representatives, had

a very large share in their own government. This practice and training in self-government over so long a period was of the utmost value to them when separation from England took place.

Hindrances to Colonial Union

We have said that it was not easy to bind these thirteen colonies together into a union. The colonists, it is true, had many interests that tended to draw them together, but almost as many that tended to pull them apart. It is true that they thought of themselves as members of one large family. They came chiefly of the same race, used a common language, and were bound by ties of loyalty to the British nation.

Nevertheless, the colonies were separate and distinct from each other in affairs of government. They were divided from each other by long distances, and were kept from knowing each other well by the extreme difficulties of travel and transportation, and by the imperfect means of communication. The railroad, the steamboat, the automobile, the paved highway, the telegraph, telephone, and radio did not yet exist. Travel by land was on foot, on horseback, or in lumbering stagecoaches over nearly impassable roads. Travel by water was on sailing vessels, subject to countless delays and dangers. It took a day and a half for the fastest coach, advertised as the "Flying Machine," to go the ninety miles from New York to Philadelphia. (It takes nowadays two hours, or less, by railroad train.) Naturally it came about that life in one colony became more and more unlike that in another. As a result, local patriotism was strong, while a larger love of country was weak. Among many of the colonies there



THIS is to inform the public, that a Stage will be performed from Powles's Hook, opposite New-York, to Philadelphia, in the following manner, viz. Mr. John Merfereau's wag-

STAGECOACH ADVERTISEMENT
FROM AN EARLY PHILADELPHIA NEWSPAPER

were bitter jealousies, and quarrels were frequent. The colonies were almost like separate nations.

These conditions might have kept the thirteen colonies from ever becoming united had it not been for the pressure of a grave peril to which all alike were exposed. This peril was the harsh measures of the British government. The common struggle against these measures finally bound the colonies in a closer relationship than they had ever known before. Out of this struggle grew a union of States which, through many trials, has grown to be the great nation of which we are so proud.

Grievances against the British Government

Various laws were passed by the British government between 1760 and 1776 that were aimed to get money from the colonists, and to restrict their trade and manufactures—among them the Stamp Act, the Townshend Acts, the Sugar

Acts, and the Tea Tax. The very fact that the colonists were fully accustomed to tax themselves, through their representatives in the colonial legislatures, made them feel keenly their grievances against the British government when they were taxed without their own consent. They cried out that "Taxation without representation is tyranny." At Boston, resistance to the Tea Tax led a band of men, dressed like Indians, to go on board some ships loaded with tea, and to empty the tea into the water (the famous "Boston Tea Party"). To punish Boston for this deed, the British government passed the so-called "Intolerable Acts," taking away from the people many of their old-time privileges. "Red-coats" (British soldiers) were sent to overawe the people of Boston, and warships closed the harbor so that trade could not be carried on.

The other colonies sympathized with Massachusetts. It was time for all to forget their differences and to join in a common cause in defense of the liberties they cherished.

The First Continental Congress

The beginning of united effort on the part of all the colonies grew out of the situation just described. Virginia was the first colony to suggest a meeting of representatives from the several colonies for the purpose of protesting against the unjust treatment. The actual call for such a meeting was sent forth by Massachusetts. This assemblage—known as the first Continental Congress—met in Philadelphia in the year 1774. The Congress went on record with resolutions upholding the rights of the colonists, and asking for the repeal of British laws which violated those rights. Before it adjourned, the Congress arranged for a meeting of a similar body in the following year.

The Second Continental Congress

The second Continental Congress met in Philadelphia in May, 1775. The battles of Concord and Lexington and Bunker Hill had already been fought. "The shot heard round the world" had already been fired.

The delegates to the Congress came from every one of the thirteen colonies. Hoping against hope that peace might still be brought about, the Congress first drew up a petition to the British government. The peace terms proposed in it were not even given a hearing by King George. War was the only answer.

Those were days that "tried men's souls." The Congress set itself with intelligence and courage to the mighty task of defending the colonies against British attack. It made plans for an army and a navy. On motion of Massachusetts, the Congress appointed a Virginian, George Washington, commander of the American troops.

On July 4, 1776, Congress adopted the Declaration of Independence, written by Thomas Jefferson of Virginia. The men in the Congress knew that, in signing the Declaration, they were taking their lives in their hands. Yet liberty for themselves, and for us who have come after them, and for our children through all time to come, meant more to them than their lives. They signed, not knowing whether they should die or live; and they signed with a cool heroism in keeping with their high resolve.* John Hancock of Massachusetts, President of the Congress, wrote his name at the top of the list in large letters. As he wrote, it is said that he exclaimed, "There; George III can read that without the aid of his spectacles." While the delegates were signing, one of them remarked, "Now, we must

* The Declaration was not actually signed until a few days later than July 4th.

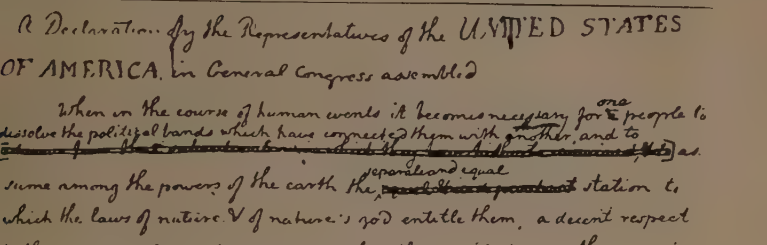
SIGNING THE DECLARATION OF INDEPENDENCE

all hang together." Benjamin Franklin replied with ready wit, "Indeed we must, or assuredly we shall all hang separately."

The news that the Congress had taken this serious step spread quickly among the people. The old bell hanging in the belfry of the hall in which Congress sat pealed forth the joyous tidings. "Liberty Bell" it is named to this day. Men on horseback rode furiously in all directions carrying copies of the Declaration. Everywhere the people received the word with rejoicing.

This immortal Declaration is the cornerstone of our existence as a united people. It gave a title to the new nation, the "United States of America." It said, in language never to be forgotten by Americans, that "all men are created equal," and that governments derive "their just powers from the consent of the governed."

The Congress advised the people of the several colonies to form governments as separate, self-governing States. Here the long experience of the colonists in self-government, extending, as we have seen, over a century and more, proved of great usefulness to them. The royal governors and other agents of Great Britain in the colonies had already



A PART OF THE DECLARATION MANUSCRIPT

been driven from their offices. The whole structure of government would have tumbled if the colonists had not known by practice how to conduct their own public affairs. In each colony the people proceeded to draw up written constitutions to establish their State governments. In several instances they merely took their ancient charters as constitutions, and changed them to fit their needs. In other cases they wrote new constitutions. These State constitutions, like the Declaration of Independence, em-

phasized the great personal rights of men, and prohibited interference with these rights. They divided the work of government among three chief departments: legislative (law-making), executive (law-enforcing), and judicial (law-interpreting). (See page 19.) This past experience of the colonists in forming and carrying on State governments had a large influence upon the founders of the federal Constitution when they came to establish the government under which we now live.

Finally, among its great tasks, the second Continental Congress worked out a plan of union among the thirteen States. This agreement among the States is the first written constitution of the "united" States. The agreement is called the "Articles of Confederation." When the Articles were accepted by the last State in 1781, the second Continental Congress went out of existence, and the Congress of the Confederation took its place.

The Articles of Confederation

The Articles of Confederation set up a central government, called a Congress, of one branch or house, composed of delegates from each of the States. Each State had equal voting power with every other one, regardless of size or population. Congress was granted many important powers—legislative, executive, and judicial. However, it was allowed no means of compelling obedience to its wishes, but had to depend upon the States for action. The members of Congress owed their first duty, not to the united government, but to the States from which they came. Congress could "declare everything, but do nothing." The union was little better than a "rope of sand." Freedom had come, but the colonies were far from being a nation.

The Critical Period

This time was so full of troubles for our people that it has rightly been called the "Critical Period." It is well for us to know about this period, for Americans had to go through a very unhappy experience before they learned the absolute and compelling need of "a more perfect Union." Let us, then, review the circumstances.

The common struggle against the British had partly put to rest the many jealousies among the colonies of which we have spoken earlier in this chapter. But as soon as the war was ended by the Treaty of Peace in 1783, the old quarrels broke out afresh. If it had been thought that an era of quiet, good will, and prosperity would follow the coming of peace, such hopes were soon dashed to the ground. Instead of prosperity, a period of hard times set in; instead of quiet, a period of disorder. Virginia and Maryland nearly came to blows over the navigation of the Potomac. New York laid a tax upon vegetables and butter and cheese entering from her neighbor, New Jersey. In return, New Jersey placed a tax upon a lighthouse on her shore, owned by the city of New York and useful to ships sailing into New York harbor. Many such examples of petty quarrelings among the States could be given. Each State seemed determined to care for its own selfish interests, without regard to the welfare of the country as a whole.

Congress was too feeble to deal successfully with the evils and dangers of the times. It failed both in the handling of our relations with foreign countries, and in remedying conditions at home.

To begin with, Congress lacked power to deal effectively with important foreign questions as they arose. Thus, when England refused to withdraw her soldiers from the frontier forts in the Northwest that she had agreed to give

up at the close of the war, Congress was too weak to enforce American rights. Again, when Spain warned that she was going to close the mouth of the Mississippi River to American trade, Congress was unable to make favorable commercial arrangements with her. Abroad, the Congress of the Confederation was held in contempt.

Furthermore, at home the situation was most grave. Congress had to depend upon the States for money with which to pay its expenses. When the States refused to meet its requests for money, as they frequently did, Congress had no means of carrying on the business of government. Congress owed a heavy debt, both to citizens within the States, and to friends in foreign lands. Even the payments of interest on this debt could scarcely be met. The patriotic soldiers of the Revolution were sent home unpaid. The paper money that Congress had issued during the war had sunk in value until no one would accept it. Public respect for the central government was at a low ebb.

The United Colonies
SIX DOLLARS
No. 45541
SIX DOLLARS.
THIS Bill entitles the Bearer to receive SIX SPANISH MILLED DOLLARS, or the Value thereof in GOLD or SILVER, according to a Resolution of CONGRESS published at Philadelphia Nov. 2. 1776.
PERSEVERANDO
SIX DOLLARS
I Franklin

The weakness of Congress was made pitifully clear in other ways. It could raise an army only by asking the States to supply the troops, and this they were unwilling to do. As a result, Congress was not even strong enough to put down revolt. Once it had to flee from Philadelphia to the college halls at Princeton when a small band of mutinous soldiers broke into the meeting-place and at the point of the bayonet demanded their pay. Again, Congress was unable to lend help when armed bodies of men in

Massachusetts, under leadership of Captain Daniel Shays, seemed about to start a civil war. It was all too clear that the power of Congress was but a shadow or a dream.

To add to the difficulties, it was almost impossible to increase the authority of the central government. The Articles of Confederation could be changed, it is true, but a change ("amendment") required unanimous consent of the States. One State or another was always found ready to refuse acceptance of any proposed change. All attempts to amend the Articles failed.

Men in foreign countries predicted that the infant States would break up in conflict among themselves and be seized by European nations. Many patriotic men in America felt that the country was rushing headlong toward disaster and ruin. Washington declared. "We are one State today, and thirteen tomorrow."

The Movement Toward a Stronger Government

It was at this menacing moment that two young men started a movement which finally brought order out of confusion. They were James Madison, of Virginia, and Alexander Hamilton, of New York. Madison was guided to a large extent by the advice of Washington. These men wished to see the central government given larger authority to do its work. It is worth while for us to follow the steps in this movement toward a stronger government.

The great Revolutionary general, Washington, had been deeply interested since early manhood in the development of the country west of the Alleghenies. At the close of the war, as the tides of immigration began to pour over the mountain barriers, Washington saw the absolute necessity of establishing easy means of travel and communication

between the old settlements and the new. Otherwise, the two sections would surely break apart. Therefore, he urged with all his might that the upper parts of the Potomac be opened to navigation, since at that point the streams flowing east nearly meet those flowing west, and thus form a natural means of connection between the seaboard and the mighty interior valley.

Inasmuch as Virginia lay on one bank of the Potomac and Maryland on the other, the project of extending the navigation of the river demanded the joint action of these States. They were persuaded to appoint commissioners to discuss the scheme. These men met early in 1785 at Alexandria, Virginia, and were invited as guests to the home of Washington at Mt. Vernon. They drew up an agreement; moreover, they decided that they would ask the State of Pennsylvania to join them, because her interests also were involved.

The next step was a convention at Annapolis, Maryland, in September, 1786, to which all thirteen States had been invited to send delegates for the discussion of questions of trade. Delegates from only five States appeared. While this fact was discouraging, and the delegates were unable to accomplish immediate results, yet the Annapolis convention carried the movement forward. Madison attended. Alexander Hamilton came as a delegate from New York. He presented an address in which the States were urged to hold a second convention with the object not merely of discussing the regulation of commerce, but also of working out such other plans as should appear to them necessary for the general public welfare.

This address was adopted by the conference and sent to the States. Congress, fearful that the country was headed toward ruin, gave its consent for a convention to be called

to revise the Articles of Confederation. One by one the States were persuaded to fall in line and choose delegates to represent them—all but little Rhode Island, which stayed out to the end.

Questions and Problems

1. How did the Pilgrims show their need of and respect for law?
2. Why were the colonists so well fitted to govern themselves?
3. In what ways may you be training yourself now for your own future self-government, and for your part in governing your country?
4. Give reasons for saying that our country is smaller today than it was in 1775.
5. Why was the signing of the Declaration of Independence such a courageous act?
6. By what means can 110,000,000 people spread over such a vast territory be so closely united?
7. Quote as much as you can of the Declaration.

Suggested Activities

1. Look up material on the New England town meeting, and write a paper on it.
2. Find out whether there are any kinds of charters granted today.
3. Read with special care the first two paragraphs of the Declaration and answer these questions: (1) Why are governments formed among men? (2) Who give governments their powers? (3) When do people have a right to change their governments? (See Appendix, page 189.)
4. Ask your father to explain to you why paper money is sometimes worthless and sometimes as good as gold.
5. Prepare a two minute talk on the ideals of the Puritans.

Topic References

Beard and Bagley: *The History of the American People*, pages 98-103, 108-114, 164-167, and Chapter VII.

Fiske: *The Critical Period of American History*, pages 220-344.

Foote and Skinner: *Explorers and Founders of America*, pages 136-137, 253-260.

Halleck: *History of Our Country*, pages 50-51, 74-76, 83, 91, 215-219 and Chapter XI.

Southworth: *Builders of Our Country*, Book II, pages 1-23.

Tappan: *Letters from Colonial Children.*

West: *A Source Book in American History to 1787*, pages 106-129.

CHAPTER III

THE MAKING OF OUR CONSTITUTION

It will be the wonder and admiration of all future generations and the model of all future constitutions.
—*William Pitt, the great English statesman.*

Importance of the Constitutional Convention

The convention met in Independence Hall, in Philadelphia, a plain brick building already reverenced by Americans as the place where the Declaration of Independence was drawn up and first announced to the world. "The work which these men were undertaking," says John Fiske, the great historian, "was to determine whether that Declaration had been for the blessing or the injury of America and of mankind."

The "Constitutional Convention," as it is spoken of, was the most memorable gathering in the history of our country, perhaps the most important in the history of the world. It met in May, 1787. When all the members were present, there were fifty-five names on the roll.

Membership of the Convention

Several of the illustrious figures of the Revolution were missing from the company. Samuel Adams, the great Massachusetts patriot, was opposed to the idea of a general revision of the Articles of Confederation. Patrick Henry, the celebrated Virginia orator, though elected by his State,

INDEPENDENCE HALL IN 1787

was unwilling to take part. John Adams and Thomas Jefferson were serving the central government in foreign lands. The most distinguished citizen of Rhode Island, General Nathanael Greene, had recently been carried to the grave.

Yet it was an assemblage of men better fitted for such a task than any similar body that has ever met at one time and place. The delegates were men of splendid character and great natural ability, of superior education, and of wide experience. Among the number were many graduates of colleges and universities, abroad and at home. Among them were many who had been leaders on the field of battle, governors of States, representatives in Congress, and judges of courts. Among them were teachers, preachers, lawyers, farmers, and business men. All had served their country well, and many were to devote their lives to illustrious public service under the new system of government they were about to build.

The Makers of the Constitution

In this Convention sat George Washington, who had come forth again, at the call of his country, from his beloved home at Mt. Vernon, where he had planned to occupy his remaining years in the management of his Virginia estate. The people had complete faith in his lofty character and sound judgment, and now relied upon him as much to rescue them from the trials and dangers of peace, as they had relied upon him in war. Washington was chosen presiding officer of the Convention, and guided it through the stormy deliberations with dignity and calm. His influence was ever felt as the Convention proceeded with its well-nigh impossible task. "Let us raise a standard to which the wise and the honest can repair," was Washington's appeal to the Convention.

Benjamin Franklin represented that great State of Pennsylvania to which he had come as a poor, unknown boy nearly three quarters of a century before. Now in his eighty-second year, he was known in every part of the globe. Perhaps no other man in the Convention was so ripe in wisdom and practical knowledge of public affairs as he. No other man was more greatly respected. Among his most notable services to his country, Franklin had signed the Declaration of Independence, had brought about the alliance with France during the Revolution, and had been one of the American commissioners to draw up the treaty of peace with Great Britain. Feeble in body, he now was called upon to make his last great contribution to the good of his country by serving as a member of the Constitutional Convention. Franklin's ready, practical suggestions served many times to relieve the heat of debate. He was, in fact, the balance-wheel of the Convention; and, at the end, the address he

delivered led many to sign who had hesitated and might have finally refused.

Alexander Hamilton, the young, brilliant, and devoted patriot, represented New York State. In contrast with Franklin, he was only thirty years of age. Born on an island of the West Indies, he had come early in life to New York City, and been graduated from King's College (now Columbia). He had gained distinction in Washington's army during the Revolutionary War. As a keen thinker, Hamilton was unrivaled; as an orator, unsurpassed. Hamilton, with Madison, had taken a leading part in bringing the Convention together. (See pages 35–36.) He presented many ideas to the Convention, and took a leading part in bringing about the adoption of the Constitution by the people. As the first Secretary of the Treasury, under President Washington, he placed the finances of the country on a solid foundation. Daniel Webster said of him: "He touched the dead body of the public credit, and it sprang upon its feet."

In the Convention also sat James Madison from Virginia. With Hamilton, as we have seen, he had striven earnestly to have the Convention called. He was a graduate of Princeton. Madison had so much influence in the formation of the new plan of government in the Convention, and in its later acceptance by the people, that he is sometimes referred to as the "Father of the Constitution." He did not miss a meeting of the Convention and kept a daily record of the proceedings. This *Journal* is now priceless, because of the light it throws on the men of the Convention and their work. Madison became our fourth President. In 1836, at the age of eighty-five, he closed his long and useful career, the last survivor of the notable men who had framed the Constitution.

ROOM IN WHICH THE FIRST NATIONAL CONGRESS MET, IN NEW YORK CITY

Washington, Franklin, Hamilton, and Madison were the four towering figures of the Convention. Many other able men took part. Roger Sherman of Connecticut, John Rutledge of South Carolina, George Read of Delaware, James Wilson of Pennsylvania, born and educated in Scotland, and Robert Morris of Pennsylvania were signers of the Declaration of Independence. Wilson was the great lawyer of the Convention. Morris had saved Washington's army by raising money to keep it supplied with food and ammunition. He was an expert on matters of finance. William R. Davie of North Carolina was a graduate of Princeton, and a soldier of the Revolution. Later, he was to be governor of his State, and founder of its university. John Dickinson of Delaware was a lawyer and writer. Caleb Strong and Rufus King of Massachusetts were both grad-

uates of Harvard College, and both were afterward United States senators. Charles Cotesworth Pinckney of South Carolina (graduate of Oxford University, England) had been a major-general in the Revolution; Charles Pinckney, of the same State, became a United States senator. Oliver Ellsworth of Connecticut was to be the second Chief Justice of our Supreme Court. Abraham Baldwin of Georgia (graduate of Yale College), a chaplain in the Revolutionary army, served as a United States senator. John Langdon and Nicholas Gilman of New Hampshire had fought against the British, and were to represent their States in the Senate. Jonathan Dayton of New Jersey, an officer in the Revolution, became Speaker of the House of Representatives and a United States senator. James McHenry of Maryland, born in Ireland, was later Secretary of War under President Washington. These men, and the others who sat with them, are worthy of our highest regard.

Drafting the Constitution

The Convention remained in session behind closed doors for a little more than four months. The members were pledged to secrecy; so just what was said and done was not made known until fifty years had passed. Madison's record of the proceedings was not published while he lived. From his *Journal* we learn the eventful story of what took place.

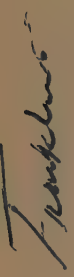
In view of the crisis under which they met, the delegates decided at the very start that they must go beyond the point of submitting only limited changes in the Articles of Confederation. The condition of the country made them feel the necessity of building a wholly new framework of government. This decision resulted in their

drafting the original Constitution of the United States beneath which, as amended since from time to time, we continue to live.

The Compromises

The Convention was divided into two main groups: those members who desired the central government to have broad powers over the people and the States; and those who desired to have the chief powers belong to the States. The existence of these two distinct points of view led to serious disagreement among the delegates. Passions rose so high in the debates that the Convention at one point, as Luther Martin of Maryland expressed it, "scarce held together by the strength of a hair."

Finally, the delegates from Connecticut suggested a plan, the famous "Connecticut Compromise," by which a fair way out of the difficulties might be found. Wise old Franklin of Pennsylvania drew a simple illustration of the meaning of a "compromise" from the carpenter at the bench. "When a joiner wishes to fit two boards, he sometimes pares off a bit from both," he said. The members caught the idea. They began to "give and take," with the result that they drew up a series of compromises which paved the way for them to clear all matters in dispute. The compromises laid the foundation of the government that was to be.



Nature of the New Government

The Convention proceeded to give powers to the new government that would make it solid and strong. Its laws were to be commands that individual citizens must

obey. In contrast with the old government under the Articles, the new one was to exercise real authority over the American people, at first hand. It would not have to depend upon the States in carrying out its will.

The Convention decided that the Constitution should be presented to the Congress of the Confederation, and then be submitted to the States that they might take action upon it. As soon as the people of nine States had accepted the plan through conventions called for the purpose, the new government should go into effect.

Sept 17. 1787.

The Close of the Convention

The task of preparing the Constitution in written form from the material agreed upon by the delegates was entrusted to Gouverneur Morris, skilled in the writing of English. When he had completed his task, the great document was ready for the delegates to sign. The aged Franklin now made an impressive appeal, which James Wilson read for him, as his voice was weak. He said that some parts of the Constitution were not approved by him, yet he would sign it because he believed such a course was for the public good; and he asked all other members to follow his lead. A very few delegates, however, still withheld their names. The number that signed was thirty-one. The date was September 17, 1787.

An impressive moment came when the Convention drew near to a close. Many of the members felt strongly the solemn nature of the hour. Washington sat with head bowed in deep thought. Franklin had a final message to give, of which Madison wrote in his *Journal:*

> Whilst the last members were signing, Doctor Franklin, looking toward the president's chair, at the back of which a rising sun happened

to be painted, observed to a few members near him, that painters had found it difficult to distinguish, in their art, a rising, from a setting, sun. "I have," said he, "often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the president, without being able to tell whether it was rising or setting. But now, at length, I have the happiness to know that it is a rising, and not a setting, sun."

Adoption of the Constitution

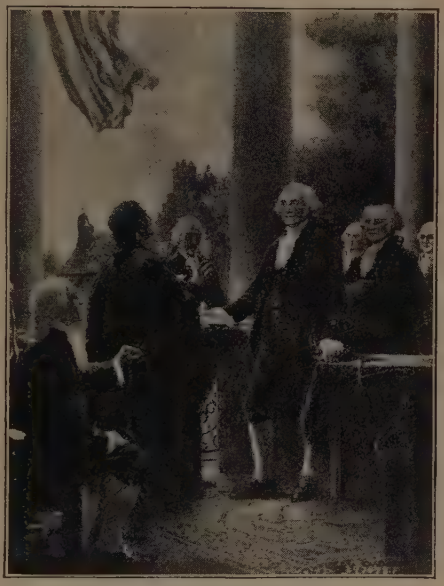
A vigorous campaign was waged by opponents of the Constitution to prevent its adoption. Widespread discussion continued for several months. Hamilton, Madison, and Jay wrote papers in effective support. These articles were afterward collected under the title of "The Federalist," and give us a better idea of the provisions of the Constitution than we get from any other source.

Pennsylvania was the first of the large States to vote in favor of the "New Roof," as the Constitution was wittily described. A long and bitter contest followed in Massachusetts, and she fell into line only by a narrow margin. In Virginia, acceptance came only after a hard fight.

In the meantime, all the other States save New York, North Carolina, and Rhode Island, had voted to accept the Constitution. New York held aloof; and, lacking New York, as a glance at the map will show, the new nation would be cut in two.

It was most important to gain New York. But there the outlook was dark indeed. When the State convention met, two thirds of its members were bitterly opposed to ratification. It was then that the genius of Hamilton burst into full strength. He was a member of the Convention, and with marvelous brilliancy of oratory, day after day, week after week, he fought the enemies of the Constitution. At

length, he conquered. The New York convention accepted the Constitution by a majority of three votes. This was one of Hamilton's greatest services to his adopted land.



WASHINGTON TAKING THE OATH AS FIRST PRESIDENT

By July, 1788, eleven States had ratified the Constitution. Everywhere there was tremendous rejoicing. In the words of John Adams, now "the clocks all struck together." The Congress of the Confederation closed its troubled career by issuing a call to set in motion the machinery of the new government established by the Constitution. On the 14th day of April, 1789, Washington was notified of his election as our first President. He took the oath of office in New York City, which was then our capital. The first national Congress met in New York. Next year the Congress moved to Philadelphia. Ten years later, in 1800, it held its first session in Washington.

In this way it came about that the country in which we live is "one" whole, a single, federal nation, made up of "many" parts, the several States with their people.

E Pluribus Unum—"Out of Many" had come "One."

Questions and Problems

1. Can you think of any reasons for believing that our government will last for many centuries to come?
2. Why is the Constitution that our nation's founders drew up such a wonderful document?
3. What needs was the Constitution planned to meet?
4. Explain clearly the meaning of compromise.
5. Why did the Constitution have to be ratified by only nine states?

Suggested Activities

1. As a member of the Constitutional Convention, deliver a four-minute talk in support of a strong federal government.
2. Dramatize the closing scene of the Convention.
3. Draw a cartoon to picture some one of the advantages to be had by getting under the "New Roof."
4. As a member of the State convention of New York, reply to an attack upon the Constitution by one of the opponents of Hamilton.

Topic References

Beard and Bagley: *The History of the American People*, pages 167-176.

Fiske: *The Critical Period in American History*, Chapters VI and VII.

Foote and Skinner: *Explorers and Founders of America*, pages 261-270.

Halleck: *History of Our Country*, pages 220-229.

Hart: *American History Told by Contemporaries*, Vol. III, pages 205-211, 221-228.

Southworth: *Builders of Our Country*, Book II, pages 24-60, 75-80, 97-111.

Sparks: *Men Who Made the Nation*, pages 151-178.

West: *A Source Book in American History to 1787*, Part XXVII, pages 506-575.

PART TWO

A SIMPLE EXPLANATION OF OUR CONSTITUTION

Give me a boy or girl who loves the flag and what it symbolizes; a love that is not blind or forced, but one that is full of understanding and devotion; a love that makes the heart beat fast and strengthens the will for the supreme sacrifice—and I say to you, there you have the making of the essential citizenship of our great American democracy.

—*S. C. Kohs.*

AIRPLANE VIEW OF OUR NATIONAL CAPITOL

CHAPTER IV

GENERAL NATURE OF THE CONSTITUTION: THE PREAMBLE

> It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people.—*Daniel Webster.*

The Constitution of the United States is a brief, written document which will take you perhaps thirty minutes to read aloud.* Is it not interesting to know that this document is the oldest written constitution now in use? The people of many other countries have made it the model for their own governments. Should we not be happy that we have been able to assist them in this way, and proud as well?

The Constitution is made up of the Preamble, the seven Articles (sub-divided usually into sections, and again into clauses†), and the nineteen Amendments (many of which are subdivided likewise). The original copy and amendments are kept among the records of the Department of State, in the Library of Congress, at Washington.

The "people of the United States" agree in the Constitution to form a union for the purpose of safeguarding and advancing their common interests. The Constitution gives an outline of the organization of the government needful to carry the desired union into effect. It names and limits

*Take thirty minutes to get a bird's-eye view of the Constitution by reading it throughout. See Appendix.

† In the actual text of the Constitution the clauses are indicated only by paragraphing. They are not numbered like the sections.

SECRETARY OF STATE LANSING SHOWING
THE CONSTITUTION MANUSCRIPT

the powers of that government. It denies certain powers to it as well as to the several States. It guarantees protection to each citizen in the enjoyment of his liberties as an individual.

The Constitution establishes a single government, but it divides the work of that government among the three great departments studied in Chapter I. (See page 19.) Articles I to III provide for these three branches of government. Article I sets up the legislative department; Article II, the executive department; and Article III, the judicial department.

The Preamble

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the

blessings of liberty to ourselves and our posterity, do ordain*and establish this Constitution for the United States of America.†

The Preamble is an introductory statement, showing who made the Constitution and why they made it. The Preamble declares that the government gets its authority from "the people of the United States," taken as a whole. It declares that the main objects to be gained by the creation of this government are:

(1) to "form a more perfect union"; that is, a union more nearly perfect than the loose union of states under the Articles of Confederation.

(2) to "establish justice"; that is, good laws and their fair and equal operation.

(3) to "insure domestic tranquillity";that is, peace within the boundaries of the United States.

(4) to "provide for the common defense"; that is, protection against enemies from without or within.

(5) to "promote the general welfare"; that is, happiness and prosperity.

(6) to "secure the blessings of liberty"; that is, individual privileges and rights.

The Preamble further ordains and establishes the Constitution; that is, it gives force and effect to the government which is thus created "for the United States of America."

Suggested Activity

Commit the Preamble to memory.

*Difficult and unusual terms and phrases used in the Constitution are explained in a glossary at the end of the book.

†The actual words of the Constitution are here and elsewhere given in black type.

CHAPTER V

ARTICLE I: THE LEGISLATIVE DEPARTMENT

> I believe there is no finer form of government than the one under which we live, and that I ought to be willing to live or die, as God decrees, that it may not perish from the earth.—*Former Vice President Thomas R. Marshall.*

Sections 1 and 2: Two Houses of Congress; House of Representatives

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

The legislative department of the government of the United States is Congress. All powers to make laws for the country as a whole are fixed ("vested") in Congress. The name "Congress" was well known to the framers of the Constitution, because it had been the title of the old governmental body (the Congress of the Confederation) under the Articles of Confederation.

Congress consists of two bodies, or "houses" as they are called, a Senate and a House of Representatives. The names chosen for them were also in common use in several of the States at the time when the Constitution was written.

The establishment of two houses in Congress brought about a change from the plan followed under the Articles, in which the Congress had consisted of one house only. It

was believed that, under a plan of two houses, one of them would tend to be a check upon the other. In this way there would be careful and full study of proposed laws, and hasty or harsh laws would not be passed.

This belief is illustrated in a story told of Jefferson and Washington. Once, when the two great leaders were enjoying a cup of tea together, Jefferson spoke against the plan of two houses in Congress. To these remarks Washington replied:

"You, yourself, have proved the excellence of two houses this very moment."

Jefferson, surprised, asked him how that could be.

"You have turned your hot tea from the cup into the saucer to be cooled," said Washington. "It is the same thing we desire of the two houses."

Section 2. *Clause 1. Election of Representatives.* **The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.**

The word "electors" means voters. The words "qualifications requisite for electors of the most numerous branch of the State legislature" simply mean that any person who is allowed to vote in the election of the State law-makers can vote for the representatives in Congress. This includes all voters in the State. Members of the House of Representatives, therefore, are elected by direct vote of the people in the States from which they come, once in every period of two years.

Thus Clause 1, by giving to the people direct power to choose their law-makers, puts emphasis on the fact that we are a self-governing people. It is the plain duty of every one of us to take an active part in the management of our

public affairs. No matter how fine the character of our people may be, if we neglect this duty we shall suffer from bad government, for dishonest and unintelligent men will get into office and make our laws. It must be the constant care of each one of us, then, to see that we always vote for representatives who are honest, faithful, and intelligent. In no other way can we have good government.

The crowning fact of freedom is the freeman's vote.—*Whittier.*

The provision in Clause 1 for direct election of representatives by the people at brief intervals of time has caused the House to be regarded as the "popular" branch of Congress —that is, the branch through which the people express their wishes more quickly and surely.

Elections for members of the House are held on the Tuesday after the first Monday in November of even-numbered years, as 1920, 1922, 1924, etc. However, a representative's term of office does not begin until March 4th of the year after the election. Since the representatives are elected for two-year terms, and all go out of office at the same time, the length of each Congress is two years.

Clause 2. Qualifications of Members. **No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.**

The qualifications of representatives are three in number, relating to age, citizenship, and residence.

(1) *Age.* A member of the House of Representatives holds a position of so much importance that he or she must be old enough to understand fully and clearly the ordinary duties of manhood or womanhood. This age is fixed in the Constitution at not less than twenty-five years.

(2) *Citizenship.* To be a citizen of the United States a person must either have been born in this country, or, if a native of another land, must then have resided here long enough to be made a citizen under the law. Several of the most influential members of the Constitutional Convention, as Alexander Hamilton and James Wilson, were of foreign birth, but were citizens by adoption. The Constitution requires that, in order to be a representative, an adopted citizen must have been a citizen for at least seven years.

(3) *Residence.* It is generally felt that a person living in a State is likely to be better acquainted with the needs of that State, and more interested in its welfare, than someone who is not an inhabitant of it. The Constitution, therefore, requires a representative to "be an inhabitant of that State in which he shall be chosen."

Clause 3. Apportionment of Members. **Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons].* The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative . . . .** (The remainder of the clause gives the original apportionment by States. It applied only to the first years of the nation's life, and so has been omitted here.)

Clause 3 is the product of two of the great compromises which underlie the Constitution, as already discussed in

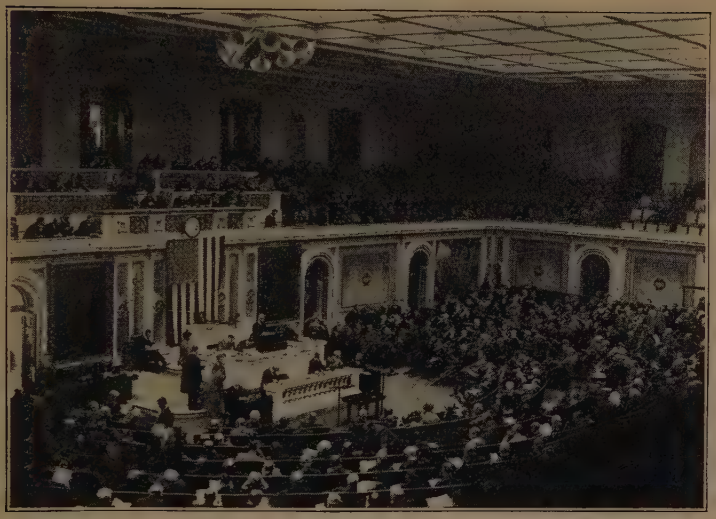
*The word "persons" refers to negro slaves. Amendments XIII and XIV have so changed the Constitution at this point that the original provisions are no longer in force. (Refer to these Amendments, pages 181-182.)

Chapter II. The agreement to base representation in the House on population helped to satisfy the larger states. The agreement to count three fifths of the slave population in the apportionment of representatives helped to settle a serious point of difference between Southern and Northern States.

The membership of the House of Representatives is in ratio to population, that is, one representative to so many inhabitants, as 30,000, or more. Each State is given at least one member, no matter how small its population may be. Congress itself fixes the number once in ten years when the enumeration, or census, of population is taken. The first House that sat under the Constitution had 65 members. With the growth in population, both the number of representatives and the number of persons who vote for a representative have been increased. The number of representatives in the Sixty-seventh Congress (1921-1923) was 435, being one representative for about 212,000 persons. In addition, Alaska and Hawaii send a delegate each, the Philippine Islands two commissioners, and Porto Rico one. The delegates and commissioners are privileged to speak, but not to vote.

After every census, Congress fixes the number of representatives to be allotted to each State in proportion to its population. Each State legislature then blocks out the area of the State into parts known as Congressional districts. From each district a representative is elected.

The membership of the House is now (1923) so large that it is very difficult for the body as a whole to do well its business of law-making. If you were to walk into the large meeting room of the House while it was in session, you would be struck at first by the reign of noise and confusion. On the main floor you would see the members' seats in big half



SCENE IN THE HOUSE OF REPRESENTATIVES AT THE OPENING OF THE SIXTY-EIGHTH CONGRESS, DEC. 3, 1923

circles facing a platform in the front of the room. This main floor is surrounded by galleries. If you should take a seat in one of the galleries and look down, you would see and hear a hundred sights and noises at once. Some member might be addressing the House. You could only catch his voice now and again. The presiding officer would be rapping his gavel. Members would be talking together in the aisles, or clapping their hands to call the "pages," the boys whom you would see dashing about delivering papers and other messages. It would take you quite a while to get used to this situation, and to find out that the people's affairs are really being taken care of by their representatives.

We shall now want to go a step further to see how the business of Congress is actually done. In the first place,

forms or drafts of proposed laws, called "bills," are presented ("introduced") by the members. So many bills are introduced (the figure running as high as twenty thousand each session) that it has become necessary for the House to limit debate and to subdivide itself into smaller groups, called "committees." There are sixty or more committees in the House, such as the Ways and Means, Appropriations, Military Affairs, and so forth. When a bill is introduced, it is sent ("referred") to the proper committee for study and report. In this way, a great part of the real foundational work of law-making is turned over to the committees.

Clause 4. Vacancies. **When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.**

It is desirable that the people shall at all times be fully represented. Clause 4 gives the governor of a State power to call a special election to fill a vacancy which may have occurred through death or some other unexpected happening.

Clause 5. Officers; Right of Impeachment. **The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.**

Officers are needed by each branch of Congress in order that its business may be done in a regular and orderly manner. In the House of Representatives the name given to the presiding officer is "Speaker." The Speaker of the House of Representatives is elected by the members from their own number at the beginning of each Congress. Like other members, he is entitled to a vote, but he seldom takes part in debate. In many ways, however, the Speaker exercises great influence.

Among the "other officers" of the House are the clerk, the chaplain, and the sergeant-at-arms, but they are not

members. The most important duty of the clerk is to keep a record of the proceedings of the House. The chaplain opens every meeting with prayer. The sergeant-at-arms maintains order. He is the keeper of the "mace," the emblem of authority, consisting of a staff with rods and an ax, all bound together, on top of which are a globe and a silver eagle.

"Impeachment" is the process by which an officer of the government is formally charged with unfitness or misconduct in office and is put on trial. The power to bring such charges against officials of the United States belongs solely to the House of Representatives.

Questions and Problems

1. What is Congress?
2. Explain fully why we have two houses in Congress.
3. What other nations have two houses in their legislative department? What are the names of these houses?
4. Why may we be said to be a self-governing people?
5. How many representatives in the House has your State?
6. Who are the representatives from your State? From your particular district?
7. What is a bill? How does it differ from a law?
8. What is a committee? Why have committees been found necessary in Congress?
9. What are the chief officers of the House of Representatives?

Suggested Activities

1. If at all possible, visit your State legislature.
2. In *Who's Who in America* or in your State Manual or Hand Book, look up information about your representatives and senators. Are any of them foreign born?

Topic References

References for both Chapters V and VI will be found at the end of Chapter VI.

The following is an outline of the part of the Constitution you have just studied. In some of the Suggested Activities at the ends of the chapters you will find directions to make out similar outlines of various parts of the Constitution. You may use the outline on this page as a model for work of this nature. Include both the details of the Constitution, and those brought out in the discussion.

Outline of Chapter V.

I. Two Houses of Congress
   1. Senate and House of Representatives

II. House of Representatives
   1. Election of members
      (*a*) By whom chosen
         i. The voters of the States by districts
      (*b*) When chosen
         i. Every two years in November of the even years
   2. Term
      (*a*) Two years
   3. Qualifications of members
      (*a*) Age
         i. Twenty-five years
      (*b*) Citizenship
         i. At least seven years a citizen
         ii. Either native born or naturalized
      (*c*) Residence
         i. In the State and in the district
   4. Apportionment
      (*a*) One for every 30,000 people or more
         i. At least one for each State
   5. Vacancies
      (*a*) Filled by special elections called by the governor of the State
   6. Officers
      (*a*) Speaker
         i. Elected by the members from their own number
         ii. Holds office two years
      (*b*) Clerk
      (*c*) Chaplain
      (*d*) Sergeant-at-arms
   7. Impeachment
      (*a*) House has sole right to bring charges

CHAPTER VI

ARTICLE I: THE LEGISLATIVE DEPARTMENT
(Continued)

> Government is a trust, and the officers of the government are trustees; both the trust and the trustees are created for the benefit of the people.—*Henry Clay.*

SECTION 3: THE SENATE

Clause 1. Members and Their Election. **The Senate of the United States shall be composed of two senators from each State, [chosen by the legislature thereof,]* for six years; and each senator shall have one vote.**

One of the great compromises in the Constitutional Convention was an agreement upon the question of the number of members to be allowed each State in both House and Senate. The smaller States were finally satisfied by the arrangement made in Clause 1, of equal representation of each State in the Senate. Large States, like New York, and small States, like Rhode Island, each have the same number of senators. Every State is entitled to two senators, no more and no less. There were twenty-six in the beginning; there are ninety-six now.

As the Senate is a much smaller body than the House, it can allow much greater freedom for members to speak frequently and at length on questions than can the House. For this reason, the debates in the Senate are often very

*Amendment XVII, which went into effect in May, 1913, changes Clause 1 by providing for direct election of senators by the people in the several States. (See page 184.)

HENRY CLAY ADDRESSING THE SENATE

important. Many of our most famous orators—as Henry Clay, Daniel Webster, and John C. Calhoun—became famous on account of their speeches delivered in the Senate.

In the course of time many evils arose out of the election of senators by the State legislatures. As a result of these conditions, an amendment to the Constitution was finally passed which changed the system entirely.

Under this amendment, the XVIIth, the senators are no longer chosen by the State legislatures, but by the people directly at the regular elections. Each senator is voted for by the people of the entire State, and not by those only who reside in certain districts of it.

Each senator has one vote. His term of office is set at six years. This term is long enough to enable the senator to become acquainted with the public business, and to act more wisely in public affairs because of his long experience. At the same time, the term is not so long as to permit the

senator to act with no regard whatever for the will of the people.

The Senate has so much work to do that it has found it necessary, like the House, to elect committees in order to get its business done. These committees serve in much the same way as do those of the House.

Clause 2. Classification of Members. **Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies].***

Clause 2 tells the way in which the senators are divided into three nearly equal classes, so that the six-year terms of about one third of them expire at the end of every two-year period. The membership of the Senate changes, but it does not change all at one time, as does the membership of the House of Representatives. The Senate is, therefore, a permanent body, having men of experience always among its members. This fact adds to the power and dignity of the Senate.

Clause 3. Qualifications of Members. **No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.**

The qualifications named in Clause 3 for senators as to age and citizenship are higher than in the case of rep-

*Modified by Amendment XVII.

resentatives. These requirements tend to bring into the Senate men of mature minds, of wide experience in business and professional affairs, and of sufficient length of residence to have gained full knowledge of our form of government.

Clause 4. The Presiding Officer. **The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.**

Clause 5. Other Officers. **The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.**

The presiding officer of the Senate is the Vice President of the United States. He is not a member of the Senate; hence, unlike the Speaker, he is not allowed a vote, except in the case of a tie.

Among the "other officers" are the secretary, chaplain, and other minor employees, similar to those in the House. The senator who is president *pro tempore* ("for the time being"; that is, in the absence of the Vice President) is elected by the other senators.

Clauses 6 and 7. Trial of Impeachments. **The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.**

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

The Senate is given the power, and the Senate alone, of sitting as a court of justice to try all charges of impeach-

ment when they have been begun by the House of Representatives. (See page 60.) The Vice President, or the president *pro tempore*, presides over the Senate in all impeachment trials except one. This exception arises "when the President of the United States is tried." Then, the Chief Justice of the Supreme Court presides, for the reason that the Chief Justice has no direct personal interest in the outcome, as has the Vice President, who would, of course, become President if the President were found guilty.

In the single instance in which a President was impeached, the case of President Andrew Johnson, the Senate failed by a few votes to find him guilty.

An officer of the Federal Government found guilty under impeachment is removed from office, and may be prevented from holding any other federal office thereafter.

Questions and Problems

1. Name the senators from your State.
2. What arrangement in our Congress helps to give the small States more nearly equal power with the large ones?
3. What makes the Senate a more dignified and experienced body than the House?
4. Tell all the points of difference between the Senate and the House.
5. What things about a candidate for Congress should we consider in deciding which way to vote?
6. In what way are the people responsible if bad laws are passed?

Suggested Activities

1. Secure and bring to the class photographs and printed articles describing scenes in the House of Representatives or the Senate. Show them, or read them, to the class.
2. Draw a bill of your own, as if you were a member of the House of Representatives, or the Senate. (The class may serve as the house, for the purpose.) Introduce it. Let it be referred to a committee. (Certain members of the class.) Present an oral argument in favor of your bill before the committee. (The committee may then take a vote upon it.)

3. Ask your father to tell you what things he considers when he is deciding which men to vote for.
4. Make a summary outline (see page 62) of Chapter VI under these main heads: The Senate. 1. Representation by ——; 2. Election of members; 3. Classification of members; 4. Qualifications of members; 5. Officers: 6. Special powers.

Topic References

Adams: *A Community Civics*, pages 297-298.
Dunn: *The Community and the Citizen*, pages 254-256.
Hughes: *Community Civics*, pages 153-156, 160-162.
Jenks and Smith: *We and Our Government*, pages 160-163.
Tarkington: *My Country*, Chapter X, and pages 165-167.

Naturally the question arises, what shall we do to defend our birthright? In the first place everybody must take a more active part in public affairs. It will not do for men to send, they must go. It is not enough to draw a check. Good government cannot be bought, it has to be given. Office has great opportunities for doing wrong, but equal chance for doing right. Unless good citizens hold office, bad citizens will.—President Calvin Coolidge.

CHAPTER VII

ARTICLE I: THE LEGISLATIVE DEPARTMENT
(Continued)

> I shall make honesty, capacity, and fidelity indispensable requisites to the bestowal of office; and the absence of any one of these qualities shall be deemed sufficient cause for removal.—*Zachary Taylor.*

Sections 4, 5, 6, and 7: General Regulations Governing Both Houses

Section 4: *Clauses 1 and 2. Times and Places of Elections; Sessions.* **The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.**

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Refer in this connection to the parts already studied having to do with the elections of representatives (pages 55-58).

Each Congress holds two regular meetings, called "sessions"; and any special, or "extraordinary," sessions that the President may call. Each new Congress meets in its first regular session in the city of Washington on the first Monday in December of the odd-numbered year. This session is called the "long session," because it lasts for a greater period of time than does the second one. The long session must come to a close not later than the

first Monday in December of the even-numbered year, for the second session begins on that date. This second, or "short," session ends by law on March 4th of the following, or odd-numbered year. Each Congress is known by its number; thus, the one opening this year (1923) is called the "Sixty-eighth Congress," its two sessions lasting from December, 1923, to March, 1925.

Section 5. *Clauses 1 and 2. Powers of each House over its Members; Quorums; Rules.* **Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.**

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

The two houses of Congress are given power to judge whether persons claiming membership in them have been elected according to the law, and whether they have met the qualifications. (See pages 56, 65.)

By the word "quorum" is meant such a number of members of a body as has the right to "do business." In both House and Senate, this number is placed at one more than half of the total membership of each body. The power to compel the Congressmen to attend the sessions is necessary to a body like Congress if it is to do its work. Otherwise, a great deal of time would be lost, for absent members might make it impossible to do business.

In order that Congress may be self-governing and not be subject to outside control, each branch is given power to make its own rules for carrying on its business. The formation of committees, and the assignment of business to them, are the result of the working out of these rules.

The general rules, when collected, together with statements of the ways in which they are put to use, are given the name "Parliamentary Law."

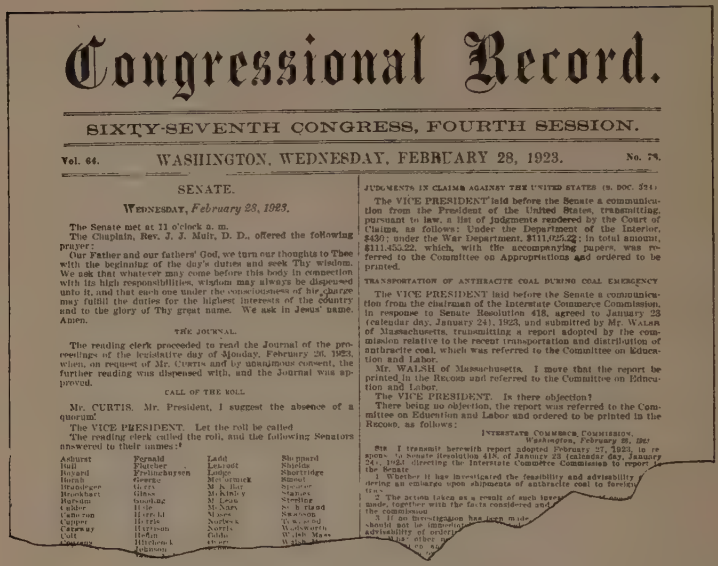
In cases of extreme disorder in the House, the sergeant-at-arms carries the "mace," by command of the Speaker, among the unruly members and demands quiet. This action is ordinarily all that is needed to bring the disturbance to a stop; but, if not, the House may empower the sergeant-at-arms to arrest the offenders.

Expulsion is the severest punishment that either branch of Congress may use against its members for conduct unworthy of them as senators or representatives. For this reason, before a member may be expelled he must be found guilty by a two-thirds vote of his fellow members. Expulsion is very rare.

Clause 3. Journal of Proceedings; Voting. **Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.**

The purpose in keeping a daily record of proceedings is to enable the members to keep in close touch with the progress of the business of Congress. Similarly, the publication of the journal is intended to acquaint the people with what their national law-makers are doing. These journals are published in the *Congressional Record.*

Very often when a vote upon a bill is taken the presiding officer can tell the result by the sound of voices (*viva voce*) or by a show of hands. If the necessary majority of members votes in favor of the proposition, it passes; if not, it fails. When the "yeas and nays" are put, the roll is called and the votes of members written in the journal



Congressional Record.

SIXTY-SEVENTH CONGRESS, FOURTH SESSION.

Vol. 64. WASHINGTON, WEDNESDAY, FEBRUARY 28, 1923. No. 54.

SENATE.

WEDNESDAY, *February 28, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our fathers' God, we turn our thoughts to Thee with the beginning of the day's duties and seek Thy wisdom. We ask that whatever may come before this body in connection with its high responsibilities, wisdom may always be dispensed unto it, and that each one under the consciousness of his charge may fulfill the duties for the highest interests of the country and to the glory of Thy great name. We ask in Jesus' name. Amen.

THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 26, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Let the roll be called.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Shepard
Bali	Fletcher	Lenroot	Shields
Borah	Frelinghuysen	Lodge	Shortridge
Brandegee	George	McCormick	Simmons
Broussard	Gerry	McKellar	Smoot
Bursum	Gillett	McKinley	Stanfield
Butler	Glass	McLean	Stanley
Cameron	Hale	Mayfield	Sterling
Capper	Harreld	Means	Swanson
Caraway	Harrison	Norbeck	Trammell
Colt	Heflin	Norris	Underwood
Curtis	Johnson	Oddie	Wadsworth
Dial	Jones, Wash.	Overman	Walsh, Mass.
Dillingham	Kellogg	Page	Walsh, Mont.
Edge	Kendrick	Pepper	Warren
Ernst	Keyes	Phipps	Watson

JUDGMENTS IN CLAIMS AGAINST THE UNITED STATES (S. DOC. 324).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, as follows: Under the Department of the Interior, $430; under the War Department, $111,025.22; in total amount, $111,455.22, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TRANSPORTATION OF ANTHRACITE COAL DURING COAL EMERGENCY.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, in response to Senate Resolution 418, agreed to January 23 (calendar day, January 24), 1923, and submitted by Mr. WALSH of Massachusetts, transmitting a report adopted by the commission relative to the recent transportation and distribution of anthracite coal, which was referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts. I move that the report be printed in the RECORD and referred to the Committee on Education and Labor.

The VICE PRESIDENT. Is there objection?

There being no objection, the report was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 26, 1923.

SIR: I transmit herewith report adopted February 27, 1923, in response to Senate Resolution 418, of January 23 (calendar day, January 24), 1923, directing the Interstate Commerce Commission to report to the Senate

1. Whether it has investigated the feasibility and advisability of ordering an embargo upon shipments of anthracite coal to foreign countries;

2. The action taken as a result of such investigation, if any has been made, together with the facts considered and the conclusions reached by the commission;

3. If no investigation has been made, whether the commission should not be immediately directed to investigate the feasibility and advisability of ordering such embargo [illegible] other coal-producing countries.

"EACH HOUSE SHALL KEEP A JOURNAL."

opposite their names, as follows: "yea" (yes), "nay" (no), "absent," or "not voting." The presiding officer announces the result. The roll is called upon nearly all important bills, and must be called if one fifth of the members demand it. The object is to let the people know how their representatives or senators have voted, and to make certain the result of the vote.

Clause 4. Common Time and Place of Meeting. **Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.**

When the two houses hold their sessions at the same time and place, business can be conducted without loss of time and without the difficulties caused by distance.

Section 6. *Clause 1. Salaries of Members; Privilege from Arrest.* **The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.**

Representatives and senators receive the same salaries. These are now fixed at $7500 per year, plus traveling expenses at the rate of twenty cents per mile in going to and from their homes to attend sessions of Congress. Congress itself determines the amount by law, and the money is "paid out of the treasury of the United States." This provision marks a change from the plan followed in the Congress under the old Articles of Confederation, in which the delegates were paid by the States from which they came. Under the Constitution, the members of Congress are made independent of the States in respect to salary, and are made responsible directly to the people of the country as a whole.

The privilege of freedom from arrest, as provided in Clause 1, is necessary to allow the people to be fully represented at all times in Congress. Otherwise, a member might be held upon some slight charge, perhaps made up by his enemies, and be prevented from attending to his duties as a law-maker.

It is equally important that a member enjoy freedom of speech. The final part of Clause 1 provides, therefore, that members of House or Senate cannot be attacked by legal action outside the halls of Congress for words uttered in debate inside those halls. The object of this provision is to protect the members so that they may say exactly what they think upon subjects that come up in the work of making our laws.

Clause 2. Certain Offices Denied Congressmen. **No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.**

Clause 2 is intended to remove a possible temptation from members of Congress to vote in favor of measures when they might gain personal benefit by doing so. The desire of the framers of the Constitution that the legislative and executive departments of the Federal Government be kept separate and distinct, led them to prohibit the executive and judicial officers of the government from having seats in Congress, the law-making body.

Section 7. *Clause 1. Revenue Bills.* **All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.**

The provision in Clause 1 goes back historically to the long struggle for power in England between the House of Commons and the King. The House of Commons finally gained supreme control of the government by establishing the right that it must approve all bills for raising money.

We have already seen how the colonists before the Revolution also had won the all-important right to control the raising and spending of public moneys, through their representatives in the colonial legislatures. (See page 25.)

In the Constitutional Convention the large States feared that their property might be subjected to unfair taxation. Hence, they made sure that bills to raise money for the Federal Government, called "revenue" bills, should come first before the House of Representatives. In this body the large States would have a majority of votes, since its membership is in proportion to population.

Clause 2. Steps in the Passing of Laws; the President's Veto. **Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.**

The Constitution makes House and Senate of equal strength as law-making bodies (except that revenue bills must be introduced first in the House). Neither branch is independent of the other; both must agree, or no results in law-making can be had. A bill must receive a majority vote in its favor by each house of Congress separately. Bills passed by the House go to the Senate, and those passed by the Senate go to the House.

When a bill has been passed by both branches of Congress, it is not yet a law. The people must be protected still further against hasty law-making. So the bill goes next to the President for his review and criticism. If he approves the measure, he signs it. It is no longer a bill; it is a law. If he does not approve the measure, the President writes upon it the word "veto," which means "I forbid" (from the Latin). He then sends it back to the house in which it was first introduced, together with a statement of his objections to it.

PRESIDENT HARDING SIGNING A BILL PROVIDING FOR IMPROVEMENTS IN THE PORT OF NEW YORK. (See page 84.)

This action is called the "veto." Another vote is now had upon the bill. If it should receive a two-thirds vote of both houses, it becomes a law, in spite of the President's veto. If it fails to receive a two-thirds vote in either house, it fails to become a law.

When a bill is sent to the President, he must return it within ten days either signed or vetoed. If he does not return the bill, it becomes a law without his signature. But, if Congress adjourns before the ten days are up, the President can kill the bill by simply refusing to sign it. This is called the "pocket veto," because the President, knowing that Congress goes out of session before the ten days allowed him to consider the bill have passed, puts the bill, so to speak, in his pocket, if he opposes it, and forgets about it.

There are three ways, then, by which a bill passed by Congress may become a law. There are also two ways by which the President may kill a bill passed by Congress.

We have already seen that the object of government is the welfare of the people. The people have found that in matters of legislation, particularly, their rights need to be safeguarded continually. The veto is one of these safeguards. Through it, the executive branch watches over the interests of the people by restraining the legislative branch. The President exercises the veto whenever he considers a law to be unwise, or unjust, or to violate the provisions of the Constitution. The President's veto is a further brake upon hasty or unwise legislation. It is not an absolute check, but it forces Congress to make doubly sure of its ground.

In the beginnings of our history under the Constitution, presidential vetoes were few. Only nine were issued before the time of President Andrew Jackson. He set a new mark by vetoing more bills than all his predecessors combined had done. Recent Presidents have been more free than earlier ones in using the veto power. Thus, to illustrate, President Wilson vetoed the immigration bill in 1917; Congress passed it over the veto. Again, President Harding vetoed the soldier's bonus bill in 1922; the House of Representatives repassed it over the veto, but the Senate did not. The veto has become one of the means by which the President's influence has been largely increased of late years.

Clause 3. Other Acts Referred to the President. **Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.**

From time to time Congress may wish to express itself in other ways than by means of bills. Under Clause 3,

Congress must also submit these various formal acts to the President for his approval or disapproval. The veto may be placed upon them by the President, and his veto may be upheld or overridden by Congress, in the same manner as in the case of bills.

Questions and Problems

1. What do you think would cause the President to call an extraordinary session?
2. In what ways may a bill, passed by Congress, fail to become a law?
3. In what way may a bill become a law in spite of the President's objections?
4. Give all the regulations that help to keep laws from being hastily and foolishly made.

Suggested Activities

1. With the class organized as House or Senate, take a *viva voce* vote upon some bill drawn up and introduced. Let the presiding officer announce the result. Take a vote by "yeas and nays," upon the same bill, or upon another one, and have the result announced.
2. Get a copy of the *Congressional Record* and examine it carefully. Report to class what the speeches were about and any other interesting points.
3. Ask your father to tell you what important bills are now before Congress. How have your representatives and senators voted on some recent bills?
4. Make a summary outline of the general regulations governing both houses under these main heads: 1. Times and places of elections; 2. Sessions; 3. Powers over members; 4. Rules; 5. Journal; 6. Voting; 7. Time and place of meeting; 8. Pay of members; 9. Privileges of members; 10. Prohibitions upon members; 11. Revenue bills; 12. First steps in the making of laws; 13. Later steps in the making of laws (veto, etc.).

Topic References

Adams: *A Community Civics*, pages 293-303.
Hughes: *Community Civics*, pages 156-160, 163-164.
Jenks and Smith: *We and Our Government*, pages 164-166.

CHAPTER VIII

ARTICLE I: THE LEGISLATIVE DEPARTMENT
(Continued)

> Our object in the construction of the state is the greatest happiness of the whole and not of any one class.—*Plato.*

Section 8: Powers Given to Congress

Article I up to this point has told how Congress is organized into two branches, how each branch is made up, how members are chosen, what their privileges and restrictions are, and how laws are passed.

Section 8, which we are now to consider, contains only a few brief clauses, but it is nearly, if not quite, the most important section of the whole Constitution. It names certain great general legislative powers which are granted to Congress. It has been said that these few clauses "are the engine that drives the whole machinery of the government, and without them that machinery would never have moved."

Clause 1. Taxation. **The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.**

Any government must pay out money, if it is to perform its services for the people, just as an individual must spend

money for food, clothing, and shelter. We have learned that amounts of money fixed by the government and collected from the people for its support are known as taxes. Without the money flowing into the public treasury from taxes, no government can do its work. "Without money," said Hamilton, "no government can exist, and without the power to raise it, it cannot be had."

Under the Articles of Confederation, Congress had not been able to raise taxes from the people for the purpose of carrying on the work of the government. It could only ask the States for aid. The result was, as we have seen, that Congress was left without funds to meet the most pressing financial needs. (See page 34.)

This situation was met by Clause 1. It brought about a far-reaching change, by giving Congress the power "to lay and collect taxes," not upon the States as such, but upon individual citizens directly. In that way, the new government was built upon a strong and solid foundation, so that it could gain and hold the respect and loyalty of the people.

In paying taxes, each one of us is contributing, from his own earnings, toward the cost of government. Each one has on that account an added interest in the work of government, because he desires to see his money bring good results. Since we are all benefited by the services of the government, we should be willing to bear our share of the cost of these services. We should also be constantly on the watch to see that our servants—the public officials—give us good and full returns in benefits for the amounts paid.

Taxes are of two kinds: direct and indirect. If the taxes are actually charged to the person individually, they are direct taxes. If the taxes are borne by the people in gen-

eral, as part of the price they pay for goods they buy, the taxes are indirect. To illustrate: (*a*) the tax paid by the owner of a house and lot, or of an acre of land, upon his property, is a direct tax; (*b*) the increased price paid by a traveler for his railroad ticket on account of a tax having been laid upon the railroad, is an indirect tax.

"Duties," "imposts," and "excises" are various forms of indirect taxes, and from them the Federal Government draws the larger part of its income. Duties and imposts refer to charges upon goods coming into the United States from other countries, such as jewelry, carpets, lumber, etc. These taxes are often known as "tariff duties," and are collected at custom houses situated at the places where the articles are brought into the United States. Excises are taxes upon articles produced or prepared in the United States, such as toilet articles and patent medicines. Such excises are often called "internal revenue" taxes.

The power of Congress to lay and collect taxes is very large, but is, nevertheless, kept within limits. One restriction is that the duties, imposts, and excises shall be "uniform throughout the United States." This requirement means that the same amount of money for taxes must be charged upon the same article in any part of the country. For example, the same internal revenue tax may be laid upon tobacco in Virginia as in Minnesota. Again, tariff duties laid upon jewelry entering the United States through the harbor of New York and upon jewelry of the same kind entering the port of San Francisco must be equal. This ruling is intended to place the burden equally upon the country as a whole, and to prevent one section from having an advantage over another. Other limitations upon the power of Congress to tax will appear as we read further.

Clause 2. The Borrowing of Money. (Congress shall have power) **To borrow money on the credit of the United States.**

HELPING THE GOVERNMENT BORROW MONEY TO MEET A GREAT NEED

Just as a government must have a regular income, so it could hardly exist unless it had power to borrow money. Great demands arise, such as wars, or the making of public improvements, when the usual incomes are not sufficient to meet the extraordinary expenses. Under such conditions governments must get money through loans. Thus, the United States government during the World War borrowed vast sums from the people by means of "Liberty Loans." In return for these loans the government issued "bonds," which are promises to repay at stated dates the amounts borrowed, with interest. The government also borrowed money for the purpose of building the Panama Canal.

Clause 3. The Regulation of Commerce. (Congress shall have power) **To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.**

Following the Revolutionary War, the States had quarreled violently among themselves, and with foreign countries, over matters of commerce. The Congress of the Confederation had lacked the strength to improve commercial relations. The country suffered so severely from bad business conditions that this problem, as we have seen, was put forward as the chief reason in favor of holding the Constitutional Convention in 1787. (See pages 35, 36.)

In Clause 3, the founders of the new government solved the problem by granting to Congress the power "to regulate commerce." The powers of Congress at this point cover a wide range, and have been exercised in numerous ways, as we shall see.

Under its authority to "regulate commerce with foreign nations," Congress fixes the rules under which ships may fly the American flag, as by placing a limit upon the number of passengers the vessel may carry, and by requiring it to have on hand in good condition a certain number of life-preservers and life-boats. Congress provides for the protection of shipping, as by building lighthouses, and by maintaining life-saving stations.

ONE WAY IN WHICH THE GOVERNMENT TAKES CARE OF ITS PEOPLE

Under Clause 3, Congress has also forbidden the importation of various articles, as opium, and bird-of-paradise plumes, and in special cases has stopped the exportation of such goods as firearms, and other materials of war. It has passed "immigration laws" restricting the entrance of foreigners ("aliens") into the United States, and laws ("exclusion acts") preventing the incoming of undesirable immigrants.

Under its authority to regulate commerce "among the several States" ("interstate commerce"), Congress has extended its control over the waters of all rivers and other

streams open to navigation. Thus, it makes the laws under which steamboats (which had not been invented when the Constitution was drawn), and other vessels, sail on these waters. It votes immense sums of money at each session for the improvement of rivers and harbors. The government engineers dredge rivers, and otherwise make them more useful for purposes of commerce. They build embankments to protect the people against floods. In these ways great benefits have come to the people from the strong federal government.

Clause 3 also gives Congress power over land traffic passing from State to State. Congress makes rules for the railroads (though these were not dreamed of, either, when the Constitution was written). Wherever the railroads engage in business in more than one State, Congress makes rules for them to follow in respect to such matters as the fixing of rates for passenger fares and freight charges, the installation of safety appliances, and the establishment of the number of working hours per day for employees. Congress also regulates "interstate commerce" in respect to pipe-lines for carrying oil, the telegraph, the telephone, the radio, the airship, railway express shipping, and sleeping car service.

People today could hardly live in great cities unless these means of transportation and communication had been developed. These agencies are almost as necessary as air, light, and water. It will be both valuable and interesting for you to trace the progress and growth of these modern systems, and to find out why the people have found it necessary to assume control over them in these ways. You will find material in the "Topic References" at the end of the chapter.

Congress also has power to prevent objectionable articles

from being transported from a point in one State to a point in another State, as diseased cattle, or impure foods, or injurious drugs. A corps of federal inspectors is stationed at factories and packing houses to promote the welfare of the people in all such respects.

Under Clause 3, as well, Congress exercises power over business organizations which engage in interstate or foreign commerce. In the early days nearly all manufacturing was done in the home community. The trade in such goods extended only short distances from the point where they were made. Nowadays, all is changed. Many industries, such as those which manufacture iron and steel, boots and shoes, and woolen and cotton goods, are immense in size. Their products are shipped in huge quantities to all parts of the country and, in fact, to all parts of the world.

This remarkable growth has come about through the great inventions in the application of steam and electricity to machinery for manufacturing purposes. You have come upon accounts of these inventions in your studies in history, and will find further material in the "Topic References." These changes were accompanied by the formation of business organizations on a very large scale ("corporations" and "trusts"). It takes great amounts of money to buy the raw material, the machinery and other property, and to pay the laborers, in carrying on the work of these vast organizations.

The people quite generally felt that these developments in the field of business brought them little, if any, benefit, because small groups of men became so wealthy and powerful that they disregarded the rights of the people. As a result, Congress has passed laws that protect the interests of the people in these matters.

Clause 4. The Naturalization of Foreigners; The Regulation of Bankruptcies. (Congress shall have power) **To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.**

(*a*) *Naturalization.* We have already found what it means to be a citizen of the United States. (See page 57. Read, also, Clause 1 of the XIVth Amendment.) Citizenship is the most valuable gift a government may bestow upon any person, and a citizen is bound by ties of highest loyalty to his government. On the other hand, a citizen is entitled to the fullest protection of his government. He is guaranteed all those personal rights and privileges for which our nation's founders fought and labored.

Citizenship is the birthright of all persons born in the United States. Even children born in the United States to parents who are citizens of other countries, permanently residing in this country, are American citizens. Even children born in the United States of Chinese parents are American citizens, though their parents are debarred from that privilege of citizenship.

There is another way through which this precious gift of citizenship may be bestowed in the United States. This method must be used by persons born of foreign parents in foreign lands. It is a process known as "naturalization," over which Congress, in Clause 4, is given complete control.

If qualified to proceed with the steps necessary to become a citizen, an alien is required by law to begin by placing on record a "Declaration of Intention," or "first papers." Not less than two years and not more than seven years after he gets his "first papers," the applicant must present a "Petition for Naturalization," commonly known as the "second papers." Finally, he is required to appear in court, to take an oral examination upon his knowledge of

ELLIS ISLAND—NEW YORK HARBOR, WHERE OUR IMMIGRANTS LAND AND ARE EXAMINED

the government of the United States, as well as that of the State and local community in which he lives. If he passes the examination, the applicant is required to take the following oath of allegiance:

"I hereby declare on oath that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to (name of sovereign of country), of whom I have heretofore been a subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same."

He is now no longer an alien, but is an American citizen, with all the precious rights and privileges of a citizen, just as if he had been born in the United States. "Some of the best stuff in America," says ex-President Wilson, "is in the men who are naturalized citizens of the United States."

(*b*) *Bankruptcy.* This part of Clause 4 enables Congress to make laws relating to the affairs of persons unable to pay their just debts.

Questions and Problems

1. What railroads run into your community?
2. Has the Federal Government ever operated the railroads? If so, under what circumstances?
3. Does the Federal Government own and operate any railroad? If so, where?
4. Does it own and operate any telegraph lines? any cables? any wireless stations? If so, where?
5. From what places do the articles of food on your table at home come? Look on the labels on some of the articles to see if you can find any evidence of federal government authority.
6. How many men and women were naturalized in your community last year?
7. What races, and classes of people, are excluded from entrance to the United States? What are the reasons for excluding them?
8. What large benefits has the United States gained from the free admission of immigrants? What kinds of work do the immigrants in your community do?
9. What changes have come over the character of immigration in recent years? Why were restrictions upon immigration imposed in the laws of 1917 and 1921?
10. Write a list of definite ways in which you may prove that you value your citizenship.

Suggested Activities

1. Ask your parents to tell you what federal taxes they pay.
2. Try to get a chance to examine a Liberty Bond or a Treasury Certificate. Read carefully what is on it.
3. Propositions for debate:
   Resolved, that the government of the United States should own and operate the railroads.
   Resolved, that the government of the United States should own and operate the coal mines.
4. Tell orally, or in written form, of a visit to a lighthouse, or a life-saving station (if you have visited one). Bring to class any photographs that you may have or may get.
5. Re-tell a story concerning a lighthouse, or a life-saving station, which you have read.

6. Investigate and report upon an example of a river or harbor improvement carried on by Congressional appropriation. (If in your community, so much the better.) What benefit has resulted?
7. Locate a boy or girl, a man or woman, who is an immigrant, in your community. Talk with him or her. Learn where he or she came from, and how he or she reached America. Trace his or her journey on the map. Re-tell the story, orally, or in written form, to the class.
8. Discuss the subject: What America should be doing for its immigrants. Make the treatment personal by telling what you, and your classmates, should be doing.
9. Search out a person in your community who has become a naturalized citizen. Talk over with him or her the steps which he or she took to be naturalized. Tell the story to the class.
10. Visit a court at a time when examinations in naturalization are being held. Give a report of the proceedings to the class.

Topic References

Our Commercial and Industrial Life

Adams: *A Community Civics*, Chapter XX.
Carlton: *Elementary Economics*, Chapters XI and XII.
Dunn: *The Community and the Citizen*, Chapter XXV.
Fisher: *Resources and Industries of the United States*, pages 200-222.
Hughes: *Economic Civics*, pages 192-211.
Hughes: *Community Civics*, pages 289-296.
Jenks and Smith: *We and Our Government*, Chapter IX.
*Lessons in Community and National Life:** B-2: *"The Varied Occupations of a Colonial Farm"*; B-9: *"How Men Made Heat to Work"*; A-8: *"The Rise of Machine Industry"*; B-3: *"A Cotton Factory and the Workers"*; A-3: *"The Coöperation of Specialists in Modern Society"*; B-27: *"Good Roads"*; C-27: *"Early Transportation in the Far West"*; C-28: *"The First Railway Across the Continent"*; A-26: *"Concentration of Control in the Railroad Industry."*
Marriott: *How Americans Are Governed*, pages 71-80.
Marshall and Lyon: *Our Economic Organization*, Chapter XIII.
Osgood: *A History of Industry*, Chapters XII, XIII, XVII.
Tufts: *The Real Business of Living*, Chapters XV, XVI, XVII, and XVIII, and pages 343-347.

* *Lessons in Community and National Life* are publications of the Bureau of Education, Department of the Interior, issued during the school year of 1917-18 under the editorship of Dr. Charles H. Judd.

Immigration and Our Immigrants

Adams: *A Community Civics*, pages 228-232.
Antin: *The Promised Land; The Stranger Within Our Gates.*
Ashley: *The Practice of Citizenship*, pages 357-371.
Bok: *The Americanization of Edward Bok.*
Dunn: *Community Civics (for City Schools)*, Chapter V.
Hill: *Community Life and Civic Problems*, Chapter VI.
Hughes: *Community Civics*, pages 390-399.
Jenks and Smith: *We and Our Government*, Chapter V.
Lessons in Community and National Life: C-31: *"Immigration."*
Riis: *The Making of an American.*
U. S. Bureau of Education Bulletin, 1915, No. 23, "Migration," pages 41-42.

If we fail, the cause of free self-government throughout the world will rock to its foundations; and therefore our responsibility is heavy, to ourselves, to the world as it is today, and to generations yet unborn.

—Theodore Roosevelt.

CHAPTER IX

ARTICLE I: THE LEGISLATIVE DEPARTMENT
(Continued)

That is the best government which desires to make the people happy and knows how to make them happy.
—*T. B. Macaulay.*

Section 8. Powers Given to Congress
(Continued)

Clause 5. Money Coinage; Standard of Weights and Measures. (Congress shall have power) **To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.**

(*a*) *Coinage of Money.* No affair of government was in a worse state of confusion during the "Critical Period" than was the system of money of the country. (See page 34.) A great many different kinds of coins were in circulation. The same coin had one value in one State, and quite another value in another State. Moreover, coined money was so scarce that the ordinary business of daily life could hardly be carried on with it. Like the German mark and the Russian rouble after the World War, the paper money that had been issued in large quantity had fallen in value until it was worthless. Great distress was felt by the people everywhere.

One step to improve the financial situation was taken, however, by the Congress of the Confederation in 1787. It adopted the "dollar" as the standard of value for the

currency of the country. The dollar was a large silver coin which came into the States from Spanish-American countries. It was sometimes known as a "piece of eight," because it was divisible into eight smaller coins called "reals," and was thus designated by the sign 8/8. It is thought probable that the dollar mark ("$") which we use grew out of this sign.

With a view to finding a remedy for the financial ills of the country, Clause 5 placed the power of coining money entirely in the hands of Congress. One of the first laws passed by the new Federal Government was one providing for coinage of gold, silver, and copper, and establishing a mint in Philadelphia. There are now (1923) two other mints in operation: one in Denver and one in San Francisco. These mints stamp all coins issued by the government of the United States.

STAMPING OUT OUR COINS

The coins now made at the mints of the United States are: (gold) double eagle, or $20 piece; eagle, or $10 piece; half eagle, or $5 piece; and quarter eagle, or $2.50 piece; (silver) one dollar; half dollar; quarter dollar; and dime. Minor coins of cheaper metal—the nickel, and the one-cent piece, or penny—are also made.

Congress was also given power in Clause 5 to regulate the value of money. This means that Congress determines what amount of one metal (silver), shall be given in exchange for a given amount of the other (gold). Congress provided originally that the gold dollar should contain 24.75 grains

of pure metal, and the silver dollar 371.25 grains. This ratio gave rise to the expression "fifteen to one"—that is, that fifteen ounces of silver should be equal to one ounce of gold. In 1900, the gold dollar was changed to 25.8 grains.

(*b*) *Paper Money.* Congress also provides for other money in the form of bills or notes, which are used as freely as coined money.

Paper money seldom lasts more than three years in circulation. The Federal Government accepts damaged paper money, if it can still be identified. When old notes are received by the government, they are either washed and cleaned by a process of laundering, or else they are ground into pulp. The paper money is engraved and printed in Washington.

(*c*) *Standard of Weights and Measures.* Under the power granted to Congress in Clause 5, to "fix the standard of weights and measures," the Federal Government has created at Washington a bureau in which are kept absolutely accurate standards for measuring weight, distance, capacity, heat or cold, and so forth. Thus there is always a place where our scientists may go to be sure that our thermometers, scales, yardsticks, gallon measures, and the like are absolutely accurate. The specially trained men from this bureau aid persons interested to solve problems connected with the use of such standards.

Clause 6. Punishment for Counterfeiting. (Congress shall have power) **To provide for the punishment of counterfeiting the securities and current coin of the United States.**

Counterfeiting is the making of false coin, bonds, notes, etc., ("securities") with a view to passing them out for the true ones. The Federal Government employs detectives and other officials to protect the people against counterfeiters.

Clause 7. Postal Service. (Congress shall have power) **To establish post offices and post roads.**

"Post" means mail; and "post roads" means all routes over or upon which mail may go. These routes include ordinary roads, mountain paths, city streets, rivers, canals, railroads, and even air routes.* The place officially kept as a station in which mail is deposited for transportation and distribution is a "post office."

The postal system has been highly developed. There were

CARRYING THE MAIL IN FRONTIER DAYS

seventy-five post offices in 1790; there were more than fifty thousand in 1923. The postal service is the place where we see clearly how greatly the Federal Government helps the people. In fact, the business of a great country like ours could not be conducted without cheap, rapid, and certain postal service.† In the early days, the rates of postage were so high as to prevent most people from mailing or re-

*By the middle of 1923 transcontinental air postal service records had been established of slightly less than thirty hours' time from New York City to San Francisco.

†By way of comparison, note that in Washington's time it took from twelve to eighteen days for the post to carry a letter from Philadelphia to Boston and to bring back a reply.

ceiving letters, magazines, and newspapers.* But now, a two-cent stamp will take a letter (weighing an ounce or less) quickly and surely by steamboat, railroad, or airplane from one part of the country to the other, and even to a number of foreign lands. Newspapers, magazines, and post cards are carried at even lower rates.

Formerly, a person went to a post office to get his mail. Nowadays, free delivery brings the mail daily to one's door. If he lives in the city or town, a small additional fee gives him immediate, or "special" delivery. Important or valuable letters may be specially safeguarded ("registered") by the payment of a small additional charge. In the country districts, rural free delivery enables the farmer to get his letters, or his daily paper, as readily as does the man in city or town. There are now many thousand of these rural routes and carriers.

The postal service also helps the people in many other ways than merely by carrying letters. By means of the "money order" a person may send money from one point to another within the United States, or to foreign countries. One may insure letters or articles against loss to the amount of fifty dollars, recovering the amount from the government in case the letters or articles disappear. The postal-savings branch receives and keeps on deposit money paid in by thrifty people who would rather place their savings under the control of the government than under that of a private bank. Amounts as low as one dollar may be deposited. Any person, ten years of age or over, may open such an account. The parcel post takes packages of moderate size and sends them through the mails at a small price. Millions of parcels are now handled each year in this way.

*Thus, as late as 1858 the rate was ten cents to carry a half-ounce letter from St. Louis to San Francisco.

The post office has thus come to be a great, helpful business enterprise belonging to the people. It employs more than three hundred thousand workers, and does an annual volume of business equaled by few, if any, private companies. It is practically self-supporting; that is, its income and expenditures are about equal each year. The benefits the post office brings to the people are well told in this inscription on the post office in the city of Washington:

Messenger of Sympathy and Love,
Servant of Parted Friends,
Consoler of the Lonely,
Bond of the Scattered Family,
Enlarger of the Common Life,
Carrier of News and Knowledge,
Instrument of Trade and Industry,
Promoter of Mutual Acquaintance,
of Peace and Goodwill
Among Men and Nations.

Clause 8. Copyrights and Patents. (Congress shall have power) **To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.**

Clause 8 provides a means by which a man may receive the rewards of the work of his brain and his hands.

By meeting certain requirements an author is given the sole privilege of printing and selling his book for a period of twenty-eight years, and may secure an extension for a second period of the same length of time. This is called the "copyright." By agreement with a large number of foreign nations, Congress has made it possible for American writers to secure copyright privileges in those countries as well, and for foreign authors to have the same privileges in the United States. The famous men and women who have contributed to American literature have been made secure

in the possession of their works through this useful provision in the Constitution.

Under certain rules, likewise, an inventor is granted the sole privilege of manufacturing and selling the machine, or other appliance, which he has been the first to devise. This is called the "patent right." A patent is allowed to run for a period of seventeen years, but renewal may be allowed under certain special conditions.

Only three patents were issued in the year 1790, when the original law went into effect. The first patent was one allowed to a man named Samuel Hopkins for an invention in connection with the making of potash in the manufacture of soap. Now, as many as forty thousand a year are granted, the total number issued by 1923 being over a million.

We have only to mention some of our most illustrious inventors and their inventions to realize at once how useful their work has been to mankind. Upon that glorious roll of honor appear the names of Eli Whitney and the cotton gin; Robert Fulton and the steamboat; Samuel F. B. Morse and the electric telegraph; Cyrus B. McCormick and the threshing machine; Elias Howe and the sewing-machine; Alexander Graham Bell and the telephone; Thomas A. Edison and the electric lamp, the phonograph, and several hundred other electrical inventions; and the Wright Brothers and the airplane. These inventions alone are enough to make us understand the great value of the ability to invent, and to show us why it should be encouraged and protected.

Clause 9. Lower Courts. (Congress shall have power) **To constitute tribunals inferior to the Supreme Court.**

The provision in Clause 9 enables Congress to set up courts ("tribunals") of lower rank than the Supreme Court. This subject will be treated at greater length when we come to study the subject of the federal courts in detail.

Clause 10. Piracies and Crimes on the High Seas; Offenses against the Law of Nations. (Congress shall have power) **To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.**

Since the extreme crimes and offenses indicated in this clause relate to navigation and commerce, Congress was given power to pass laws in punishment of them, just as it has power to pass laws in other matters relating to foreign trade.

Clause 11. Declaration of War. (Congress shall have power) **To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.**

A declaration of war gives notice that one nation is undertaking hostile military acts against another. The power to declare war is of supreme importance, as the life or death of countless numbers of people, and even of a nation itself, may be involved. For that reason, the founders of the Federal Government gave this power not to any one man, but only to the direct representatives of the people themselves, in Congress.

Letters of "marque and reprisal" refer to official permits issued to privately owned vessels in time of war authorizing them to prey upon the enemy's commerce. Formerly, these "privateers," as they were called, were numerous. In recent wars, however, the United States government has not favored them.

Clause 12. Raising Armies. (Congress shall have power) **To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;**

Clause 13. The Navy. **To provide and maintain a navy;**

Clause 14. Power Over the Military Forces. **To make rules for the government and regulation of the land and naval forces.**

As in the case of the declaration of war, the power to "raise and support armies" is one of such life-and-death

consequence that only the representatives of the people, in Congress, were entrusted with its exercise. At the time when the Constitution was drawn up, the people had just come through the War of Independence. Partly on that account, they feared greatly the dangers which might come from the presence of a standing army in the country. If it should revolt, it might overthrow the government by force of arms. Therefore, the people were unwilling to leave even Congress free to maintain an army without having the definite approval of the people themselves at brief intervals of time. To make certain of this, the provision was made that the money voted for the support of armies should not be "for a longer term than two years"—a restriction not placed upon any other appropriation. As new representatives to the House are elected at the end of every period of two years, the people have in this way a direct voice in the control of the military forces. Clause 14 further insures the people's control through their representatives.

Our standing army in times of peace ("regular army") has always been small when compared with the military forces of many other nations. In earlier days one of the chief uses to which the regular troops were put was that of controlling the Indians. That danger has passed away, but it is well to be prepared to defend ourselves against other dangers in case of need. For this purpose, the regular army, which is now (1923) limited to 280,000 enlisted men, is stationed at different posts throughout the country and in our island possessions.

Upon outbreak of war Congress may also authorize the President to call for volunteers, or to "draft" citizens, as was done during the World War.

The Government maintains an academy for the educa-

WEST POINT CAMPUS—WHERE OUR ARMY OFFICERS ARE TRAINED

tion of army officers, at West Point, on the Hudson River (established in 1802). This school is one of the best of its kind in the world. Upon graduation, these "cadets" are given commissions as second lieutenants in the regular army.

The fear of military control held by the founders of the government did not extend to the navy. There is no two-year restriction upon appropriations for the navy.

The government conducts an academy at Annapolis, Maryland, for the education of officers for the navy. Upon graduation, these "midshipmen" are given commissions as ensigns.

One of the branches of the service in the navy is the Marine Corps. Naval militia organizations have been formed in a number of States.

Clauses 15 and 16. Power Over State Militia. (Congress shall have power) **To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;**

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The militia is the body of citizen-soldiers called into active service only when grave dangers arise. It is open to all able-bodied male citizens between eighteen and forty-five years of age.

The provisions of Clauses 15 and 16 give Congress as full power over the militia "to suppress insurrections and repel invasions," as it has over the regular army. In most States the militia is organized into regiments which are known as the "National Guard."

Clause 17. The Seat of our Federal Government. (Congress shall have power) **To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.**

During the "Critical Period," Congress had had no fixed meeting place. It had wandered from place to place, as circumstances made necessary. On one occasion a band of unpaid soldiers had driven Congress from Philadelphia into Princeton. (See page 34.) With these incidents fresh in mind, the framers of the Constitution took care that Congress should be given power to establish a seat of government, over which it would have complete and sole control. This step they took in Clause 17.

One of the bitter contests in the first session of Congress centered about the location of a permanent site for the national capital. The question was settled in 1790, when Congress accepted one hundred square miles of land offered by the States of Maryland and Virginia, and lying on each side of the Potomac River. The location was named the "District of Columbia," and the capital city, "Washington."* President Washington had himself chosen the location of the city named after him, not far distant from his own home, Mt. Vernon.

The several branches of the government were moved to their new home on the banks of the Potomac in June, 1800, and Congress met for the first time in the capital city in December of that year. The city was planned by Major l'Enfant, a French engineer. In 1793, President Washington placed the cornerstone of the Capitol. The structure was yet unfinished when Congress came to occupy it. The cornerstone of the President's official residence was laid by President Washington in 1792. John Adams was the first President to occupy it, in 1800, though it was hardly ready for use. The building was set on fire by British troops in 1814. On being rebuilt it was painted white, and thus gained the name, "The White House."

In the beginning, the public structures of Washington were ugly, the streets unpaved, the open distances numerous. Nowadays, the wonderful public buildings, beautiful monuments, luxurious hotels and private homes, and well-kept parks and avenues, make Washington one of the dream-cities of the earth.

The legislative authority of Congress over the District of Columbia is complete and exclusive. The inhabitants

*In 1846, that portion of the area of the District accepted from Virginia was returned to that State, because it was not needed.

THE WHITE HOUSE

are not permitted to vote in the District, and have no other political rights. Congress, itself, acts as the law-making body of the District. The laws are carried out by three commissioners appointed by the President, with the consent of the Senate.

Clause 18. Power to Make All Necessary Laws. (Congress shall have power) **To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.**

The meaning of the general statement in Clause 18 is that Congress is given the right to make any laws that may be necessary to help it do the things given it to do in the Constitution. For example, while no mention is made of it in the Constitution, Congress may prevent all delays or other obstructions in the carrying of the mails, since it is given power to establish the postal service.

By reason of the broad meaning given to Clause 18 by the courts, it has come to be one of the most important provisions of the Constitution.

Questions and Problems

1. Why are newspapers, magazines, etc., carried at a lower rate of postage than letters?
2. In what ways may you help the postal service?
3. How much money is deposited in the postal-savings division of the post office in your community each year? Have you a deposit there?
4. It has been proposed that Congress be deprived of the power to declare war until a nation-wide vote in favor of such action be had. What reasons do you see in support of such a plan? What reasons in opposition?
5. Have you ever invented anything? If so, tell the class about it.

Suggested Activities

1. If you can do so, visit a United States mint and make a report to the class.
2. If you cannot do so, look up information as to how metal is coined into money, and report to the class.
3. Write compositions upon:
   (*a*) The journey of a letter from Detroit to Constantinople; from New Orleans to Manila.
   (*b*) The origin of the postage stamp.
   (*c*) The Postal-Savings Bank in this community.
   (*d*) The future of the airplane postal service.
   (*e*) A visit to the "Dead Letter Office."
4. Bring a collection of postage stamps to class.
5. Visit one or more departments of the local post office. Make a report to the class upon what you learned at first hand of the work being done in the office.
6. Visit a railway mail car and talk over with the mail clerk what his duties are. Tell the story to the class.
7. Read the life of some great American inventor. Re-tell the story of his achievements to the class.
8. Bring to class photographs illustrating the Capitol, the White House, and other public buildings; also photographs of other objects and places of interest in Washington and vicinity, or newspaper or magazine articles descriptive of them.

9. Make a summary outline of the chief law-making powers of Congress under these main heads. (Include the details that are brought out in the discussion of the clauses.) 1. Raising money; 2. Commerce; 3. Citizenship; 4. Issuing money; 5. Postal service; 6. Science and useful arts; 7. Lower courts; 8. Military affairs; 9. Seat of government; 10. Other powers.

Topic References

Making Our Money

DuPuy: *Uncle Sam's Modern Miracles*, pages 202-212.
Haskin: *The American Government*, pages 28-32.
Lessons in Community and National Life: C-13: *"Paper Money"*: C-22: *"The Minting of Coins."*

Weights and Measures

Haskin: *The American Government*, pages 170-182.
Lessons in Community and National Life: B-21: *"National Standards and the Bureau of Standards."*

Our Postal Service

Haskin: *The American Government*, pages 65-77.
Literary Digest: Vol. LXVII, pages 76-82.
Marriott: *Uncle Sam's Business*, pages 281-296.
Review of Reviews: Vol. LXIV, pages 625-640.
Roper: *The United States Post Office.*

Patents and Copyrights

Forman: *Stories of Useful Inventions.*
Haskin: *The American Government*, pages 91-102.
Lessons in Community and National Life: C-12: *"Patents and Inventions"*; C-9: *"Inventions."*
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The National Capital

Haskin: *The American Government*, pages 374-386.
Southworth and Kramer: *Great Cities of the United States*, pages 265-296.

CHAPTER X

ARTICLE I: THE LEGISLATIVE DEPARTMENT

(Continued)

> To live under the American Constitution is the greatest political privilege that was ever accorded to the human race.—*President Calvin Coolidge.*

Sections 9 and 10: Powers Denied Congress and the State Governments

(*A*) *POWERS DENIED TO CONGRESS*

It may be well at this point for us to bring back to mind that the government of the United States can move only within a fixed circle of powers. The Constitution allows it to do just so much, and no more, to go just so far, and no farther. (See pages 20, 51, 52.)

First, since the States have powers, too, Congress must stay within its own circle, and not cross over into that of the States. Second, since the executive and judicial departments have their own powers, Congress must keep within its bounds, and not exercise powers belonging to the other two departments.

The framers of the Constitution evidently thought that these general limitations upon Congress were not enough. In the main, they wanted to prevent beyond any question the exercise of certain powers which history had shown might lead to injustice or other abuse. They knew that if these powers were exercised, great harm and wrong would result.

So, in Section 9, they forbade the Federal Government from taking any action in certain matters.

Section 9. *Clause 1. Slave Trade.* **The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.**

Clause 1 grew out of one of the great compromises of the Constitutional Convention. The word "persons" refers to negro slaves. The clause dealt with a temporary condition. As soon as the year 1808 was reached, Congress stopped the slave trade; and afterward, in 1820, declared it to be "piracy." By this law, the punishment for any persons found guilty of engaging in the trade to import slaves was fixed at death.

Clause 2. The Right of Habeas Corpus. **The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require.**

As we go far back into history, we find that rulers had powers of life and death over their peoples. Men were put to death, or were thrown into cells where they fell sick or died, even when they had done no wrong, and at the mere word of their rulers. In England, the people struggled for centuries against this power, until slowly and painfully they gained freedom from unjust arrest. The legal form that they developed as the means of assuring them such freedom is one of the most valuable rights of all those that have to do with our personal liberty. It is given the name of the "Writ of *Habeas Corpus*."

The words *habeas corpus* mean, "You may have the body." These were the opening words, in Latin, of the

old legal form or order ("writ") issued by a judge to an officer, directing him to bring into court the person who complained of being unlawfully deprived of personal liberty.

Under Clause 2 our people are protected against unjust arrest and imprisonment, as far as the Federal Government is concerned. A man may be deprived of personal liberty only if he has broken the laws. If, by any means, he is held unjustly, he has (or his friends have) the right to appeal to a judge of the proper court, asking him to inquire into the facts of the case. The judge may then order an officer to bring the prisoner into court, without delay, for a hearing and will set him free if it appears that he is being held without good cause. The effect of this order, then, is to assure every person of an immediate hearing should he be deprived of liberty.

Clause 2 declares that the writ shall be in force at all times, "unless when in cases of rebellion or invasion," the public safety may require an interruption of its use. During our Civil War, the writ was suspended.

Clause 3. Bills of Attainder; Ex Post Facto Laws. **No bill of attainder or *ex post facto* law shall be passed.**

(*a*) *Bills of Attainder.* In former days when a man was convicted of a serious crime, not only was he punished, but very often all his property was taken from him, both land and money. Furthermore, he and his family often lost all their rights and privileges as citizens of their country. Bills of attainder were legislative acts imposing these penalties on a man, without giving him any opportunity to defend himself in a court of law.

(*b*) *Ex post facto laws.* The term *ex post facto* refers to laws punishing persons for crimes that did not call for the punishment fixed, at the time when they were com-

mitted. For example, a person might have committed a crime five years ago, or longer, which was punishable only by a small fine; or perhaps the deed was not an unlawful one at all at that time. This clause makes sure that this person cannot be made to suffer a greater punishment because of a law which may be passed after he has committed the misdeed, or be punished for something that did not call for punishment when it was done.

In days gone by great injustice was often done by rulers who wished to get rid of, or to injure, certain men, and still seem to do so lawfully. They would, therefore, pass a law—*ex post facto* law—providing punishment for something those persons had done, perhaps years before.

The cruel uses to which these two powers might be put, led the makers of the Constitution to forbid their exercise altogether.

Clause 4. Direct Taxes. **No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.** (Read, at this point, the XVIth Amendment, page 184.)

We have already discussed the meaning of direct taxes. (See page 80.) Such taxes, says Clause 4, must be in proportion to population. The provision was intended to distribute the burden as fairly as possible among the States by making the amount paid in proportion to the people in the State. The XVIth Amendment changes the provision of Clause 4, to permit taxes upon the incomes of the people.

Clause 5. Export Duties. **No tax or duty shall be laid on articles exported from any State.**

The denial of power to Congress to lay a tax upon goods shipped abroad ("export duties") should be read in con-

UNITED STATES CUSTOM HOUSE AT NEW YORK CITY

nection with the powers of Congress over taxation. (See pages 79-81.) Congress may tax goods entering America, but not those passing from State to State or those sent abroad. The idea is that our manufacturers and producers may not be hindered in selling their goods.

Clause 6. Uniform Regulations for All Ports. **No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.**

The first part of Clause 6 means that all ports of the country shall be treated alike, in respect to rules bearing upon "commerce or revenue." The second part of the Clause refers to official papers that ships must have before they may enter, or leave, a port. These provisions are intended to prevent one State, or a group of States, from

having any legal advantage over others in matters related to cargoes on the water.

Clause 7. Control Over the Public Money. **No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.**

In an earlier section we have noted that Congress is granted the right to raise money. To make that right effective, Congress must also have the power to control the spending of public funds. This power is granted in Clause 7. Bills supplying money for the various uses of the government are passed annually by Congress. They are called "appropriation bills" and may originate in either the Senate or the House.

Clause 8. Titles of Nobility. **No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.**

As is the case today, many foreign nations at the time the Constitution was drawn up had kings and other officers higher in rank than the "common people." These persons were given "titles of nobility"—such as "prince," "duke," "earl," or "marquis."

The government of the United States differed from other nations by being founded on the idea expressed in the Declaration of Independence that all men were "created equal." A plain outgrowth of such a principle was the provision in Clause 8, forbidding the giving of "titles of nobility" by the Federal Government, and the acceptance of titles by officials of the United States from foreign governments, "without the consent of Congress."

(*B*) *POWERS DENIED TO THE STATES*

Once again let us recall the fact that under our form of government all powers start from the people. (See pages 17, 52.) In the Constitution the people took certain powers from the States and gave them to the Federal Government. They permitted the exercise of certain powers by the States, and they also prohibited the exercise of certain powers by the States.

At the time the Constitution was drawn up, as we have seen, the States had their separate governments. The State governments at that time were strong. The union under the Articles of Confederation had been weak. The men in the Constitutional Convention felt that it was as necessary to protect the rights of the people against the States as against the Federal Government. Therefore, in Section 10, they laid down a number of prohibitions upon the powers to be exercised by the States, much as they had done in Section 9, in respect to those denied to the Federal Government.

Section 10. *Clause 1. Prohibitions in Respect to Treaties, Coinage of Money, Obligation of Contracts, etc.* **No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.**

The prohibitions laid upon the States in Clause 1 are of two chief kinds. First are those powers which are denied to the States because they had already been granted to the Federal Government. These include the powers to enter into treaties, grant letters of marque and reprisal, coin money, issue paper currency ("emit bills of credit"), or require creditors to accept other money than gold or

silver in payment of lawful debts. If these powers were given to both governments, much confusion, and possibly danger, would result. Second are those powers which had already been denied to the Federal Government in order to prevent grave abuse, or injustice. Bills of attainder, *ex post facto* laws, and titles of nobility are of this sort. Laws "impairing the obligation of contracts" mean those that weaken or destroy the binding force of agreements ("contracts") between persons to do, or not to do, certain things.

Clause 2. Prohibitions Upon Duties. **No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.**

The prohibitions in Clause 2 are intended to keep the control of commerce in the hands of Congress, since commerce is a matter of national interest.

Clause 3. Prohibitions Against Duties Upon Tonnage, Keeping of Troops, Ships, and Engaging in War. **No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.**

A "duty of tonnage" means a tax laid on ships by the ton, according to their carrying capacity. This prohibition is also necessary in order that the Federal Government alone may deal with commerce among the States and with foreign countries.

The provisions forbidding the States to keep troops and ships, and to engage in war except in circumstances of immediate danger, were absolutely necessary to the existence

of the Federal Government. If the States had been allowed to exercise such powers, the dangers and difficulties confronting the Federal Government would probably have brought about its early downfall.

Summary of the Legislative Department

We have now completed our study of the first of the three great departments of government. We have seen how our national law-making body is divided into two branches, how our law-makers are elected, what qualifications they must meet before they may hold office, and how they carry on their work. We have taken up the many powers that the people have given to Congress, and we have found also that they have denied certain powers to Congress and to the States.

By the plan of having two houses, both of which must agree upon a bill before it can become a law, the people are guarded against hurried, insufficiently considered laws. By having the members of one house elected every two years, the people are enabled without long wait to show their disapproval of the acts of their representatives, if they desire. The powers which the people have given to Congress secure for us a strong central government which can care for the needs of the country as a whole, and at the same time leave to the States the right to handle those matters that belong to them in particular.

We are now ready to take up our study of the next great branch of our national government—the executive, or law-enforcing, department.

Questions and Problems

1. What clauses in this chapter assure us of certain rights as a free people?

2. What clauses protect the States in certain matters?
3. Tell why you think our country is better off without "nobles."
4. What clauses show that we have a strong central government, such as Alexander Hamilton believed in?
5. How is money drawn from the treasury of the United States?

Suggested Activities

1. If your father is a lawyer, ask him to tell you about the use of the right of *habeas corpus*. Report to the class.
2. Ask your father to tell you about some appropriations that Congress has made recently. Report to the class.
3. Make a list of the powers denied the Federal Government; the powers denied the States; the powers which the States cannot exercise without the consent of Congress.

Topic References

Hughes: *Community Civics*, pages 23-24, 237-239.
Wade and Russell: *The Short Constitution*, pages 144-155.

The God who gave us life, gave us liberty at the same time.—Thomas Jefferson.

CHAPTER XI

ARTICLE II: THE EXECUTIVE DEPARTMENT

Let every inhabitant make known his determination to support law and order. That duty is supreme.
—*President Calvin Coolidge.*

SECTION 1: THE PRESIDENT AND THE VICE PRESIDENT

Clause 1. Term of Office. **The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:**

Clause 2. Method of Election. **Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.**

Clause 3. Displaced by Amendment XII. (See page 180.)

Clause 4. Time of Election. **The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.**

Much of the weakness of the central government under the Articles of Confederation was due to the lack of a real executive (law-enforcing) authority. (See page 32.)

The members of the Constitutional Convention realized this weakness, and were determined to remove it. They felt that the executive should be a strong part of the new Federal Government. Yet they feared greatly, from their recent bitter experience with the British King, that a strong executive might make a tyrant of himself. After much discussion, they decided that the executive should be a

single person, whose powers should be kept within strict bounds. The name chosen for this officer was "President," the title of the chief officer in the old Congress of the Confederation.

How long the President should remain in office caused much debate in the Convention. Hamilton and Madison thought the President should serve during good behavior; but others thought that would be too much like creating a kingship. The Convention finally fixed the term at four years, half-way between the terms of representatives and senators. This period in office, they felt, was too brief to allow a President to overthrow the people's rights and become a tyrant.

There is nothing in the Constitution to prevent a President from being reëlected to office as many times as the people wish. However, it has come to be the custom, following the example set by George Washington, for a President to retire from office at the end of a second term, if he has served that long. This custom has come to have almost as much force as if it were actually written in the Constitution.

How to choose the President was also a very difficult problem for the makers of the Constitution to solve. Various methods were suggested, until at last it was decided to have the President (and the Vice President) chosen by a body of men to be known as "electors," which should meet and perform this duty, and no other. This body, taken as a whole, is often referred to as the "electoral college."

The plan of choosing the electors first put in the Constitution, is no longer in effect, although Presidents Washington, John Adams, and Jefferson (first term) were chosen in accordance with its provisions. In 1804, to avoid confusion, the method was changed to the one given in Amendment XII.

The electors are now chosen in each State by direct vote of the people. Each State is entitled to choose a body of electors equal to the total number of its representatives and senators in Congress. In the election of 1920, there were 531 votes in the electoral college. Congress has set the date of presidential elections as the first Tuesday after the first Monday in November of years that are evenly divisible by four, as 1916, 1920, 1924, etc.

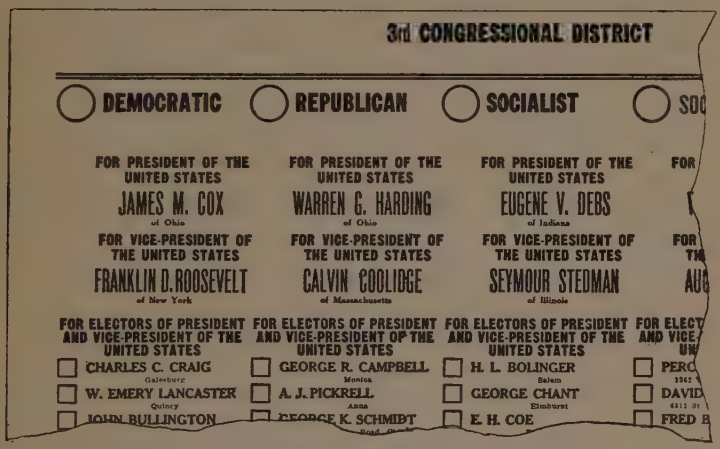
The makers of the Constitution thought that the electors would be men specially qualified for their great responsibility. They expected that the electors would be perfectly free to use their best personal judgment in selecting the fittest persons for the presidency and vice presidency. However, while the electors still have that legal right, they do not exercise it any longer. (Washington alone was chosen according to the original idea. He received all the votes in the electoral college both times he was elected President.) The practice has become established for the electors to be bound in advance ("pledged") to vote for a certain candidate. They would break faith with the people if they should set aside their pledges and cast their votes for someone else; and this has never been done.

This change in the original idea has come about through the rise of political parties—bodies of men holding similar views on public questions. We shall wish to know, then, how this party system actually works in the election of a President and a Vice President.

Each political party has at its head a "national committee." A few months before a presidential election is to be held, this committee calls a meeting ("national convention") for the purpose of selecting its candidates for President and Vice President. The convention is made up of delegates from all the states and territories, chosen by the party mem-

bers. The total number of delegates is frequently one thousand or more.

The convention sits in a great hall, usually in a large city, like Chicago, or Baltimore. Bands play; flags wave; famous orators make fervent appeals; men burst into storms of cheers lasting for an hour or more at a time. In the midst of it all, the party adopts its "platform." The platform



A SPECIMEN PRESIDENTIAL ELECTION BALLOT (1920)

states the principles and policies that the party promises to carry into effect, and upon which it will go before the people for votes. The separate statements in the platform are said to be its "planks." Finally, amid scenes of tremendous excitement and enthusiasm, the party nominations for President, and then for Vice President, are made.

A list ("ticket") of party candidates to be voted for by the people as presidential and vice presidential electors, is arranged in each State. It is understood that these electors, if chosen, will vote for their own party nominees for President

and Vice President. The party nominees for President and Vice President issue letters of acceptance, in which they agree, if elected, to work for the principles and policies laid down in the party platform. The "campaign" is now under good headway—that is to say, the political parties have begun their work to secure the election of their respective tickets.

A presidential campaign usually lasts about four months. During this period, newspapers and magazines print a mass of political news—articles and editorials for the voters to read. Millions of pamphlets, advertisements, posters, cartoons, and similar kinds of material, are scattered broadcast. Numerous public meetings ("rallies") are held at which the people gather to listen to the appeals of noted speakers ("spell-binders"). Sometimes, even the presidential nominees themselves tour the country on speech-making trips. These activities carried on under the direction of the political parties, all lead to one end—the choice of a President and a Vice President, by the people, through the form of the electoral college set up in Amendment XII.

All this elaborate method of selecting a President, we must remember, was not provided for in the Constitution. It has gradually grown up, within the law, and been accepted by the people.

It is interesting at this point to consider the important part that geography plays in the choice of a President. In the early days of the Republic, the State of Virginia supplied so many Presidents that she gained the title of "The Mother of Presidents." More recently, the State of Ohio has succeeded to this honor. In the election of 1920 the presidential nominees of both leading political parties came from Ohio. No President has yet served from a State west of the Mississippi River. The Southern

States have not had a President from among them since the middle of the nineteenth century. Nor had the New England States had one from their midst for more than sixty-five years, when President Coolidge took the oath of office upon the death of President Harding, in 1923.

Clause 5. Qualifications of the President. **No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.**

The President must be a native-born citizen. An exception was made that a person might become President who was "a citizen of the United States at the time of the adoption" of the Constitution. As we have already found, many of the noted Americans of that period, among them Alexander Hamilton, had been born in other lands. This provision was inserted in appreciation of their patriotic services to their adopted country. The age and residence qualifications for the President are somewhat higher than are the requirements for a senator. The Vice President must meet the same qualifications as the President.

Clause 6. Succession to the Presidency. **In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.**

The Vice President becomes President, in case of a vacancy. As we have already noted, the President can be removed from his position only through impeachment.

(See page 67.) Six Presidents have died in office, and Vice Presidents have served for the remainders of the original terms. One of these Vice Presidents, Theodore Roosevelt, was afterwards elected President. One of them, Calvin Coolidge, is now (1923) completing the term of the late President Harding. When the office of Vice President becomes vacant, no appointment is made to fill it. Congress has passed a law providing that the Secretary of State, Secretary of War, etc., in a fixed order, shall succeed to the presidency for the unexpired term, in case neither the elected President, nor the Vice President, can serve.

Clause 7. The President's Salary. **The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.**

The President receives a salary of $75,000 a year; the Vice President, $12,000. The President is also allowed an "executive mansion"—the White House—in which to live.

The provision that the President's salary "shall neither be increased nor diminished" during his term was intended to keep him from becoming either dependent upon the goodwill, or subject to the ill-will, of Congress. The same idea was present in the provision relating to "other" emoluments (salaries or gifts).

Clause 8. The Oath of Office. **Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."**

All that the Constitution requires the newly elected

CALVIN COOLIDGE BEING SWORN IN AS PRESIDENT

(The words of the oath were sent him over long distance telephone from Washington to Plymouth, Vermont, where he was visiting his father when President Harding died. His father, a justice of the peace, administered the oath.)

President to do, before taking office at the beginning of his term, is to pronounce the words given in Clause 8.

The Congress of the Confederation had set March 4, 1789, as the date for the taking of the oath of office ("inauguration") by the first President, George Washington, but, on account of delays, he did not take the oath until April 30th. However, March 4th has remained the date of inauguration of all Presidents since that time. It is said that Benjamin Franklin proposed that date because it would fall on Sunday less often than any other during the first two centuries following.

A very imposing ceremony surrounds the inauguration of the President. Immense crowds of people visit the beautiful capital city to witness the brilliant scene.

The President and the President-elect ride together in a formal parade from the White House to the Capitol. A platform is built at the Capitol upon which are seated the members of Congress, the representatives of foreign nations, and other distinguished persons. The Chief Justice of the Supreme Court of the United States holds out a Bible to the incoming President, who places his hand upon it and repeats the words of the oath of office as found in the Constitution. He then delivers a message to the people, known as the "inaugural address." Several of these addresses—for example, the two delivered by President Lincoln—live in our history and literature. When this ceremony is completed, the President is escorted to the White House, and takes up the duties of office.

Questions and Problems

1. Why has no President ever run for office for a third term?
2. What change in the election of the President, giving the people more direct power and influence, has taken place since the Constitution was framed?
3. What dangers did the framers of the Constitution fear from the office of President?
4. What is a national party nominating convention?
5. What Vice Presidents have become Presidents?

Suggested Activities

1. Secure a good photograph of the President. Bring it to class.
2. Read newspaper and magazine articles upon his life and character, and re-tell to the class.
3. Write a composition upon the topics: (*a*) The Story of the White House. (*b*) What I shall do when President (boys and girls alike).
4. Secure photographs and newspaper (or magazine) articles descriptive of the last presidential inauguration. Show them, or read them, to the class.
5. Read selected portions of the inaugural addresses of Presidents Washington, Jefferson, and Lincoln.

6. Hold a presidential convention of a political party (the class making up the membership of the convention). Make nominations for President and Vice President.
7. Suggested proposition for debate:
   (1) Resolved, that the President should be elected for a six-year term and be ineligible to succeed himself in office.

Topic References

Adams: *A Community Civics*, pages 330-347.

Century Magazine, Vol. LXXI, pages 641-652, "The President and His Day's Work."

Haskin: *The American Government*, pages 1-13, (the President); pages 387-398, (National Political Campaigns).

Howe: *New Era Civics*, Chapters XIX and XX.

Taft: *Our Chief Magistrate and His Powers.*

The very essence of free government consists in considering offices as public trusts, bestowed for the good of the country.—John C. Calhoun.

CHAPTER XII

ARTICLE II: THE EXECUTIVE DEPARTMENT

(Continued)

> The people . . . . . can have a government as good as they themselves make it, or as bad as they suffer it to become.—*Joseph W. Folk.*

Sections 2, 3, and 4: Powers and Duties of the President

Section 2. *Clause 1. Presidential Powers.* **The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.**

(1) *Commander in chief of the Army, Navy, and Militia.* In studying the powers of Congress, we found that that body alone could declare war, raise and maintain an army and a navy, make rules to govern the land and naval forces, and call out the militia. We also found why the founders of the government placed these large powers in the hands of Congress alone. (See page 99.)

However, a single head to the military and naval establishment is necessary in order to prepare for and to carry on wars successfully, as well as to put down any serious resistance to the laws when ordinary means have failed.

For this reason, the founders of the government made the President "commander in chief" of the military forces of the nation.

In time of war it is not customary for the President himself to take the field in command of the army, or to stand upon the decks of a battleship directing a naval combat. Instead, he selects trained officers who, under his authority and final control, take active charge. As commander in chief, the President is entitled to a salute of twenty-one guns, and a special flag is flown in his honor.

THE FAMOUS FRIGATE, CONSTITUTION

(2) *Direction of the Executive Departments.* The authority of the President to require reports from the "principal officer in each of the executive departments" is a necessary provision, since he is responsible for their official acts. The President appoints them to office, and they are accountable to him. The Senate, in practice and according to custom, always approves these appointments.

The number of these principal officers, and the departments of which they have charge, are not mentioned in the Constitution. They have been created by Congress which fixes the number of departments, and tells what work each shall do. They have increased in number in this way from time to time in our history, as the business of the government has grown in size and importance. Without them the President could not possibly carry the burden of his position. Let us now see what they are and what they do.

The first Congress created anew in 1789 three of the executive departments which had existed under the old Congress of the Confederation. These were: a department of foreign affairs ("State Department"), a military and naval department ("War Department"), and a department of finance ("Treasury Department"). Each of these departments was headed by a "Secretary." A law officer was also provided ("Attorney General"). A chief of the Post Office was created within the Treasury Department ("Postmaster-General"). Besides the three original departments, the ones we have now were established by Congress in the following order: Navy (1798), Post Office (1829), Interior (1849), Justice (1870), Agriculture (1889), Commerce (1903),* and Labor (1913). The total number is ten.

(A) The Department of State

The principal business of the Department of State, acting for the President, is the management of the foreign affairs of the nation. The Secretary of State has immediate control over the body of officials that serves the federal government abroad (the "diplomatic corps" and the "consular service"). Through him, the representatives of foreign nations meet the President. Treaties are drawn up under his direction.

Under the charge of the State Department are kept in the Library of Congress the original copies of the Constitution, the Declaration of Independence, and of all treaties and laws. The Secretary has charge of the "Great Seal of the United States," which is set upon all documents of importance. His signature is placed upon all proclamations issued by the President.

*First known as the Department of Commerce and Labor.

THE UNITED STATES TREASURY BUILDING

The Department of State is regarded as the leading one in rank and dignity among the several executive departments. The Secretary of State is the first officer in direct line of succession to the presidency, in case of vacancy caused by the Vice President's being unable to serve as President.

(B) The Treasury Department

The Treasury Department is the financial arm of the Federal Government. The Secretary of the Treasury, acting for the President, has supervision over the collection of the government's income from tariff duties, internal revenue taxes, income taxes, and other sources. These revenues now amount to several billion dollars per year. The Secretary is the guardian of the moneys poured into the treasury. He is also the officer who pays out money from the treasury, but only according to laws passed by Congress. (See page 111.) He is the bookkeeper of the Federal Government's accounts.

The Secretary of the Treasury is in charge of the mints for the coinage of money, and of the Bureau of Engraving and Printing, which manufactures the paper currency of the United States. (See pages 91-93.) He has charge of the Bureau of Standards. (See page 93.) He administers the public health service, and superintends the construction of public buildings. In his department have been organized the Veterans' Bureau* and the Bureau of the Budget.†

(C) The War Department

The War Department is in active control of the army, through the Secretary at the head, and under the direction of the President, as commander in chief. The War Department issues rules and regulations governing the military establishment. It provides for the national defense on land. Through the skill of one branch of the service—the Engineering Corps—the Panama Canal was built. In this department is located the Bureau of Insular Affairs, which attends to government business in Porto Rico and the Philippine Islands.

(D) The Navy Department

The Navy Department takes care of all matters connected with the navy, and issues rules and regulations, through the Secretary and under the direction of the President, as commander in chief. The department not only takes care of the national defense on the water, but also carries on other very important work.

The Navy Department conducts an Observatory at

*The Veterans' Bureau is for the benefit of our country's ex soldiers and sailors.

†The Bureau of the Budget was established as a means of making the government's income and expenditures more nearly equal.

Washington in which the marvelous clocks and other instruments are able to measure time to the smallest fraction of a second. The Observatory sends this important information to ships in whatever waters they may be.

Immense wireless stations are operated by the Navy Department. The great towers can send messages for thousands of miles, to give directions, or information, to the vessels of the United States.

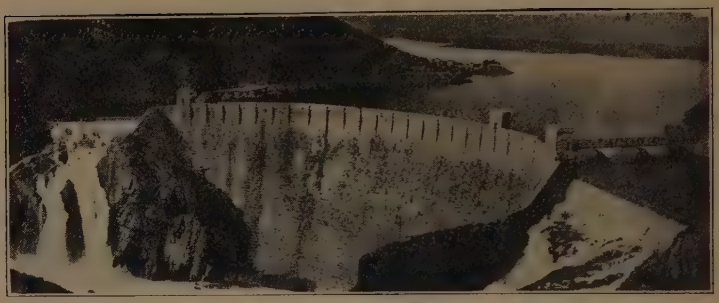
The "Hydrographic Office" of the Navy Department makes careful surveys of harbors and other waterways. It works with the "Coast and Geodetic Survey" in making charts of coastlines and ocean channels. These charts are of the utmost value to all engaged in navigation.

(E) The Post Office Department

The service of the Post Office Department dates back to July, 1775, a year before the Declaration of Independence was signed. The Postmaster-General, acting for the President, superintends the collection and transportation of the mails, and handles the various other enterprises now associated with the post office. (Review this subject by reference to pages 94-96.)

(F) The Department of the Interior

The Department of the Interior is made up of a great variety of bureaus. The Secretary, acting for the President, directs their work. The most important among these bureaus are: the General Land Office, the Geological Survey, the Reclamation Service, the Bureau of Mines, the Office of Indian Affairs, the Bureau of Education, the Pension Bureau, and the Patent Office. (See pages 96-97.) These offices all perform service of far-reaching value to



ROOSEVELT IRRIGATION DAM—A RECLAMATION SERVICE PROJECT

our people. You may look up more detailed information about them, in the references that follow this chapter.

(G) The Department of Justice

The Department of Justice, under direction of the President, is headed by the Attorney-General, whose office was created at the start of the government. He is the principal law officer ("legal adviser") of the President.

(H) The Department of Agriculture

The Department of Agriculture, under direction of the President, through its Secretary, has for its main object the promotion of the interests of our great farming population. It collects and publishes useful information related to the industry of agriculture—an industry upon which we all must depend for our supply of daily food. Among its offices are the Weather Bureau, and the Forestry Bureau.

(I) The Department of Commerce

The Department of Commerce, under direction of the President, through its Secretary, carries out the laws and

regulations having direct relation to the business interests of the country. Matters connected with manufactures fall particularly within the scope of its activity. One of its sub-divisions is the Census Bureau, permanently organized to take the national count of population once in every period of ten years. At the time the census is taken, much other valuable information is collected, which is prepared for the aid of the people in their business affairs.

(J) The Department of Labor

The Department of Labor, under direction of the President, through its Secretary, devotes itself to promoting the welfare of the nation's workers in all lines of industry. It gathers and publishes useful facts having to do with wages, hours, and other conditions of labor. Under this department are included the Bureau of Immigration, and the Bureau of Naturalization. (See pages 86-88.) Under it also come the Children's Bureau (formed to promote the "welfare of children and child life"), and the Women's Bureau (which deals with the problems of women).

(K) Other Executive Boards and Commissions

Congress has created several important executive boards and commissions which are not directly connected with any department, but which are under the direction of the President. They perform valuable services for the people of our country. Among these important boards are: the Civil Service Commission, the Interstate Commerce Commission, the Railroad Labor Board, the Federal Reserve Board, the Federal Farm Loan Board, the Federal Trade Commission, the United States Shipping Board, and the United States Tariff Commission.

The President's Cabinet

As has already been stated, the Constitution made only slight mention of the executive departments, and did not organize the principal officers of these departments into a body of official advisers to the President, now known as the "Cabinet." Yet the President, nowadays, has such a cabinet, composed of himself and the heads of the ten departments. The development in the past century of this "official family" of the President is so interesting and important that we shall now trace it in some detail.

Presidents Washington and John Adams sometimes, but not as a general rule, invited their Secretaries and the Attorney-General to meet in a body with them for the purpose of talking over the needs of the nation. President Jefferson was the first one who set up the practice of meeting regularly with his department heads as a body, and of taking a vote among them as to their views upon important questions. His successors have adopted his course of action. The result is that this group of department heads, the Cabinet, today occupies a position of great influence in the affairs of our government.

The modern Cabinet is composed of the President and the chiefs of the ten executive departments. President Harding introduced a new member into the Cabinet when he requested the Vice President to join in its deliberations. The (then) Vice President Coolidge attended all the sessions.

At the meetings the members group themselves about a table in the order in which their departments were established by law. The Secretary of State is seated to the President's right, the Secretary of the Treasury to his left, and so on. Public questions of importance are discussed, reports are made, and policies are outlined—all for the

A CABINET MEETING

guidance of the President in caring wisely for our country's needs.

It must be said again that the Constitution does not expressly group the department heads into a body of advisers to the President. When thought of as a unit, or collective whole, the Cabinet is not recognized by law. It is founded upon custom, or usage. The President, alone, is the responsible executive of the Federal Government, and must bear the blame if matters go wrong. He is the master of the situation. He may, as he sees fit, follow, or disregard, the recommendations of the Cabinet. The final decision rests with him. It is told of President Lincoln that, on one occasion, he found his entire Cabinet ranged against him on a certain question. The seven department heads voted against the proposition. He voted for it. "The ayes have it," declared the President. His one vote

outweighed the seven contrary votes combined. As a general rule, however, the official advisers of the President have considerable influence with him, and play a large part in the determination of his policies in both home and foreign affairs.

(3) *Reprieves and Pardons.* A reprieve is a brief postponement of punishment, and a pardon is a full release from punishment, to persons found guilty of offenses or crimes. The President's power of granting reprieves and pardons is intended to prevent injustice.

Section 2. *Clause 2. Additional Presidential Powers.* **He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.**

(1) *Making of Treaties.* A treaty is an agreement entered into by two or more nations. Some of the more common subjects covered in treaties are arrangements relating to commerce, determinations of boundaries, and settlements of peace following wars.

One man, or a few men, can reach more easily the decisions to be written into treaties, than can large bodies of men. This fact is particularly true when the questions involved are of a very serious and complicated nature. For that reason, the President, rather than Congress, is given the right to make the plans for and arrange the details of treaties. He must, however, submit all proposed treaties to the Senate. Only when the Senate approves ("ratifies") does the treaty become law. Ratification calls for a two-

thirds vote of the senators present, because of the importance of the subjects dealt with in treaties.

The Senate may accept a treaty, and it then becomes law. Or the Senate may alter a treaty. If altered, all parties to the treaty must agree to the changes, before the treaty goes into effect. Or, the Senate may refuse to accept a treaty.

When a treaty has been finally ratified by the proper authorities of the governments entering into it, it has the binding force of law. The official copies of the document are signed and delivered to each government. The President then gives notice in a proclamation that the treaty has become a part of the law of the United States.

(2) *Nominations and Appointments.* The power to name men for office (to "nominate") is one of the most important of the President's powers. It is a necessary part of the President's chief responsibility—that of seeing to the enforcement of the laws.

Certain officers are appointed by the President with the "advice and consent of the Senate." A limitation is placed upon the President's appointing power in Clause 2 in respect to "other officers," who have been "otherwise provided for." These are the ones we have already mentioned, whose elections are fixed in the Constitution itself. They are the President, Vice President, presidential and vice presidential electors, senators, representatives, and officials of the Senate and the House.

It is necessary for the President, in making his nominations, to spend a great deal of time in selecting the fittest persons for the various offices. Even so, the positions are so numerous that he cannot personally interview, or otherwise study the qualifications of the multitude of applicants.

In this matter, as in many others, the President must

rely very largely upon the advice of those in whom he places trust. The heads of the executive departments have much to do with naming the persons who serve in the offices under their direction. The Civil Service system (we shall learn more about it later) relieves the President of the burden of making many of the less important appointments. It has, moreover, become the custom for the President to accept the recommendations of senators from States in which an appointment is to be made, when the senators belong to his own political party. Likewise, the representatives are consulted with reference to appointments to positions in their districts.

Generally speaking, the power of appointment carries with it the power of removal. In the administrations from Washington to Jackson, a period of forty years, only seventy-three removals were made. President Jackson made wholesale removals of office-holders belonging to the political party opposed to him. This plan was excused upon the ground that the members of the political party winning the election were entitled to the offices ("to the victors belong the spoils"). This political practice is known in our history as the "Spoils System." It held sway for a half-century after Jackson's time. Then, because the Spoils System led to many abuses, it was finally reformed, to a large degree, through the establishment of a merit system of appointment to office ("civil service"). Civil Service provides for the selection of those applicants for office who pass competitive examinations. Gradually, the Civil Service has been extended to include half a million employees of the government. These employees serve for indefinite terms. They may be removed only because of unfitness or some other just reason, and only after they have been given a fair hearing.

Clause 3. Appointments When the Senate is Not in Session. **The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.**

Clause 3 authorizes the President to make temporary appointments during the period when the Senate is not in session. These assignments are known as *ad interim* (for the interval) appointments.

Section 3. *Presidential Duties.* **He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in cases of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.**

(1) *Messages to Congress.* According to the provision in Section 3, the President prepares a message to be laid before Congress at the opening of its session in December of each year. This message gives information concerning the condition of the country. It is accompanied by the annual reports of the heads of the executive departments, furnishing detailed statements of the handling of the public business. The President's message also presents his views upon leading public questions. It contains his recommendations as to the passage of laws.

Many of these annual messages have great historic interest and value. Perhaps the most famous one among them was the message of President Monroe, in 1823. In this message he announced boldly that the American continents were no longer open to European conquest, or colonization. This was the beginning of the famous "Monroe Doctrine."

PRESIDENT WILSON DELIVERING HIS FAMOUS WAR MESSAGE

Presidents Washington and John Adams delivered their annual messages in person, with much ceremony, before Congress. President Jefferson, however, changed this arrangement by sending written messages to Congress, to be read by a clerk, or secretary. He did not himself attend the sessions. For more than a hundred years after his time, Jefferson's example was followed by other Presidents. President Woodrow Wilson broke the custom. When the date arrived for Congress to assemble at the opening of his first term, President Wilson appeared before the two houses, and read his message to them. He did this on many other occasions—notably when he presented his famous "War Message" (April 2, 1917). President Harding adopted the same plan.

The President addresses special messages, also, to Congress. In these he brings to the attention of the

law-makers some problem calling for immediate action. Often, he presents a definite suggestion as to the kind of action to be taken.

While the President is called our chief executive (law-enforcing) officer, yet his influence upon law-making is very great. By means of the messages, the President brings to the attention of Congress and of the nation, conditions which make some sort of law necessary. His views regarding public needs are spread, not among the members of Congress alone, but among the people throughout the land. His words are printed on the front pages of newspapers, and are read in millions of homes.

In recent years Presidents have carried their messages directly to the people by undertaking extensive speaking tours. These visits have even taken them into distant sections of the country, and have tended to bring the people into first-hand contact with the Federal Government.

In all these ways, backed by an intelligent public opinion, the President is frequently able to get laws passed which he considers to be necessary for the welfare of the people of the United States.

(2) *Calling Special Sessions.* The President may call the two houses of Congress into session "on extraordinary occasions." In this way, if Congress has failed to pass necessary legislation, such as appropriation bills, the President may almost compel action. This authority has been used by Presidents as early as John Adams, and as late as Warren G. Harding.

(3) *Receiving Ambassadors, and Other Public Ministers.* We have already noted the President's authority in the appointment of ambassadors, and other public ministers, to represent the United States in foreign countries. (See page 136.) Foreign governments, also, send their repre-

sentatives in the same way to this country. In Section 3, the President is named as the proper officer to "receive" those representatives of foreign governments who rank highest in the diplomatic service. The act of receiving the representatives of a foreign government is equal to an acknowledgment ("recognition") of the independence of that nation, as well as of the friendship of the United States toward it.

The President may ask foreign governments to call home, or may himself dismiss, diplomatic representatives who are offensive to the United States government. President Washington, for example, secured the recall of Citizen Genêt, the Minister from France, in 1793. President Wilson had Count Dumba, the Ambassador from Austria, recalled, and himself dismissed two German diplomatic officers in 1915.

(4) *The Enforcing of the Laws.* Under Section 3, the President is assigned his main duty, which is "to take care that the laws be faithfully executed." For this reason, primarily, the office of President was created. For this reason, the President is given such large powers in respect to the command of the army and navy, to the appointment of officers, to the conduct of foreign affairs, and to the general direction of the spending of the vast sums appropriated by Congress at each session. The President is responsible for seeing that the officers whom he appoints shall perform their duties faithfully and well.

The laws are generally enforced by the courts through officers chosen for the purpose, such as United States marshals, and their deputies. In times of very great need the President may order the army and navy to put down resistance to the law. (See page 126.) Not only may he call upon these troops and vessels, but also upon

the militia, to suppress uprisings of large bodies of armed men in defiance of the law ("insurrections"). The necessity to suppress insurrections has been of rare occurrence in our history.*

(5) *Commissioning of Officers.* The authority to commission the officers of the government is a natural result of the President's duty to enforce the laws. It means that the President signs written documents naming certain persons to perform particular services for the government.

Section 4. *Impeachment of the President and Civil Officers.* **The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.**

The impeachment process has already been sufficiently described. (See pages 60-61 and 66-67.) "Civil officers" are all government officers other than those in the military forces of the nation. The meaning of "treason" is given later in this text.

General Conclusions as to the Presidential Office

As we have found, the people at the time the Constitution was drawn up, dreaded the possibility of one-man rule. If the framers of the Constitution could come back to life today, they would be astonished beyond measure, no doubt, to observe how large and extensive the influence of the President actually is. For the President now holds the reins of government. He is the chosen representative of the most powerful people in the world.

*When our government was just getting on its feet, President Washington was required to send fifteen thousand regular soldiers and militia into western Pennsylvania, where armed resistance had broken out to the collection of internal revenue duties (the "Whisky Insurrection"). The resistance was quickly overcome. Hamilton went with the expedition, as he felt that this test of strength would determine whether or not the new government would last.

Moreover, the President stands out as the supreme figure in the eyes of people of foreign lands. His name is known in every country on earth. No kings or emperors have as much real power as he has. He is the foremost ruler in the world.

And yet, while the office of President has grown so much stronger than was thought possible in the beginning, we do not fear that the President will become a tyrant. He is, after all, one of the people. "The President comes from the people and must return to the people." He, too, obeys the laws. He is not above the laws. Such is the spirit of our democratic institutions.

Any boy or girl born of American parents on American soil may entertain the ambition to become President. Our Presidents have often begun life as poor boys in humble homes and surroundings. Abraham Lincoln was born in a log cabin and "split rails" in his youth. James A. Garfield earned his way in his early years by towing boats on the Erie Canal. Warren G. Harding started his career by setting type in a country printing shop. With a strong body, good character, and a proper education, several American boys or girls in each generation may reach their ambition to hold the office of President—the greatest political distinction that can come to any human being.

Questions and Problems

1. Can you point out what some of the abuses of the "Spoils System" were? What is the value of the Civil Service?
2. How does the Weather Bureau aid different kinds of workers? Give examples from your local community.
3. How does the Forestry Bureau aid the people? Give examples.

Suggested Activities

1. If you have a relative who has been or is an officer in the United

States military forces, ask him to let you see his "commission." If possible, bring it and read it to the class.

2. Find a copy of the President's last Thanksgiving Day proclamation. Bring it to class. Note the signature of the Secretary of State.
3. Try to get a copy of a War Risk Insurance policy. Read it and bring it to class if possible.
4. Ask your father or mother to explain what is meant by a "budget."
5. Visit a Weather Bureau station, if you can do so. Make a report of your observations to the class. (If you are unable to pay this visit, write the nearest Weather Bureau station for information concerning its work.)
6. Interview a farmer or a shipping man to find what he gains from the Weather Bureau. Report the results to the class.
7. Secure copies of Weather Bureau maps and forecasts, and post them in the classroom. Keep tally from day to day with actual weather conditions. Check the record at the end of the month.
8. Visit a station of the Forestry Service, if possible, and inquire concerning its work. (If not possible to visit, write to the nearest station and make inquiries. Ask for bulletins of the Forestry Service.) Report to the class.
9. Go to your school or public library and examine the report of the 1920 census.
10. Look up material on the Children's Bureau—the scope of its work, and the results—and report to the class. Secure figures on the number of American children who work for wage.
11. Similarly, look up material on the Women's Bureau.
12. Secure from your postmaster copies of the rules governing Civil Service examinations. Secure also notices of such examinations, and all other obtainable information upon this subject. Interview a Civil Service employee in the federal service (such as a postal carrier, for example). Find from him what improvements might be made in the present Civil Service law. Report to the class.
13. Bring to class and read a newspaper account of a recent Cabinet meeting.
14. Make a list of several important treaties entered into by the United States government, and report briefly on them to the class.
15. Look up material on each of these "other important boards" and make a brief statement to the class regarding them.

16. Make a summary outline of the executive department—The President: 1. Election; 2. Term; 3. Qualifications; 4. Succession in case of vacancy; 5. Salary; 6. Oath of office; 7. Powers; 8. Duties.

Taking each executive department of the Cabinet as a separate division of your outline, list under each one its various duties.

Topic References

General

Howe: *New Era Civics*, Chapter VII.

Lessons in Community and National Life: A-12: "*History of the Federal Departments.*"

U. S. Bureau of Education, Bulletin, 1919, No. 74: "The Federal Executive Departments."

Department of State

Haskin: *The American Government*, Chapter II.

Treasury Department

Haskin: *The American Government:* pages 27-39 (The Treasury); pages 170-182 (Bureau of Standards); pages 183-195 (the Public Health).

War Department

Haskin: *The American Government*, pages 209-220 (the Panama Canal); pages 234-247 (the Bureau of Insular Affairs).

Navy Department

Haskin: *The American Government*, Chapter V.

Marriott: *Uncle Sam's Business*, pages 65-83, and 194-198.

World's Work, Vol. XXXIII, pages 256-275.

Department of the Interior

Haskin: *The American Government*, pages 78-90 (the Department of the Interior); pages 103-115 (the Geological Survey).

Lessons in Community and National Life: B-13: "*The Department of the Interior.*"

Marshall and Lyon: *Our Economic Organization*, pages 419-435 (Bureau of Mines, etc.).

Department of Justice

Haskin: *The American Government*, pages 349-362.

Department of Agriculture

Chamberlain and Chamberlain: *Thrift and Conservation*, pages 133-142.
Haskin: *The American Government*, pages 117-129; pages 130-142.
Marshall and Lyon: *Our Economic Organization*, pages 435-440.
Marriott: *Uncle Sam's Business*, pages 229-236.

Department of Commerce

Haskin: *The American Government*, pages 157-169 (The Census Bureau).

Department of Labor

Lessons in Community and National Life: C-29: *"Child Labor"*; B-28: *"Women in Industry"*; A-5: *"The Human Resources of a Community."*

Other Boards and Commissions

Haskin: *The American Government*, pages 221-234 (Interstate Commerce Commission); pages 312-324 (Civil Service Commission).

Treaties

Foster: *A Century of American Diplomacy.*
Harrison: *This Country of Ours*, pages 134-141.

THE GREAT SEAL

CHAPTER XIII

ARTICLE III: THE JUDICIAL DEPARTMENT

> Let reverence for the law . . . be taught in schools, seminaries, and colleges; let it be written in primers, spelling books, and almanacs; let it be preached from pulpits, and proclaimed in legislative halls, and enforced in courts of justice; let it become the political religion of the nation.—*Abraham Lincoln.*

Section 1. *The United States Courts; Terms of Judges; Salaries.* **The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.**

Under the Articles of Confederation, Congress itself had been the final board of judges to decide disputes among the States. But in this way, also, as in various others already discussed, the government of those days was very weak; no one was obliged to accept or carry out the decisions that Congress made. This serious situation led Alexander Hamilton to say, "Laws are a dead letter without courts to expound [explain] and define their true meaning and operation."

The remedy was sought by providing in Article III for the third great branch of our governmental system—the judicial department. (See page 19.)

This department consists, first, of "one Supreme Court," created directly by the Constitution, just as Congress and the President were created by it. It consists, second, of federal courts of lower rank, because the work would be too heavy for one Supreme Court to do. Congress determines how many of these courts there shall be, how many judges to each, and what kinds of cases shall be heard by them.

Congress was given power to decide the number of judges of the Supreme Court. In 1789, the first Congress set this number at one Chief Justice and five Associate Justices. From time to time, Congress has established "inferior courts," known as "Circuit Courts of Appeal" and "District Courts." The Supreme Court is the highest court; the Circuit Courts of Appeal next highest; the District Courts lowest.

The growth of the country has caused an increase in the number of judges of the Supreme Court and in the number of inferior courts. The Supreme Court now (1923) has a Chief Justice and eight Associate Justices. There are nine Circuit Courts of Appeal, and one, or more, District Courts in each State, as well as one each in Alaska, Hawaii, and Porto Rico. The Supreme Court holds a regular term once a year in Washington. The Circuit Courts of Appeal and District Courts hold terms at certain times and places fixed by law. United States district attorneys, marshals, and other officers carry out the orders of the federal courts. Congress has also created a few special courts, particularly the Court of Claims and the Court of Customs Appeals, whose work we shall not discuss in this book.

The declaration in Section 1 that the United States judges "shall hold their offices during good behavior" is very important. Remember that representatives are elected

THE SUPREME COURT JUDGES IN ROBES OF OFFICE (1923)

Left to right—rear: Justices Butler, Brandeis, Sutherland, Sanford.
Front: Van Devanter, McKenna, Chief Justice Taft, Holmes, McReynolds.

by the people for two-year terms; the President for a four-year term; and the senators for six-year terms. But the judges are not elected by the people at all, and stay in office for life.

Why is this great advantage allowed them? The reason is not far to seek. The founders of the government wanted the United States judges to be as fair-minded and free as possible in explaining the Constitution, the treaties, and the laws. Hence, they gave the judges life positions, to insure their freedom of mind in making decisions. "Is it not to the last degree important," said the great Chief Justice John Marshall, "that he (the judge) should be rendered perfectly and completely independent, with nothing to influence and control him but God and his conscience?"

For the same reason, the makers of the Constitution provided that the pay of the judges should not be cut down during their time in office. The Chief Justice receives a salary of $15,000 per year; the Associate Justices, $14,500 each. Circuit judges are paid $8500 per year; District judges $7500. Upon reaching the age of seventy years, any United States judge may retire on full salary for life, if he has served for a period of ten years.

In cases of dispute the courts interpret and decide the meaning of the Constitution and the laws. If a majority of the people do not approve those decisions, they can have the laws changed, or they can amend the Constitution. Many laws have thus been changed to make them "constitutional," as we say; and in a number of cases the Constitution has been amended to make possible the passing of certain laws which the changing conditions of our country have made necessary. The income tax amendment is an example of this.

Section 2. *Clause 1. Cases in Which the United States Courts Have Authority.* **The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.**

The extent of the powers of the United States courts (known as their "jurisdiction") is given in Section 2. While this jurisdiction is very wide, we should bear in mind constantly that these federal courts deal only with

matters that are definitely assigned them. The State courts handle other matters. Clause 1 outlines the classes of cases which fall under the jurisdiction of the federal courts.*

Clause 2. Cases Begun in the Supreme Court and Cases Appealed to It. **In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.**

Of these classes of suits, certain ones are begun and tried in the Supreme Court without first going through the lower courts. This is called "original jurisdiction"—that is, this particular kind of case must be begun in the Supreme Court; it does not come up through the lower courts first. The decision of the Supreme Court in these cases is final. Other cases are brought first in one of the inferior United States courts, or in a State court, but its decision may not be final. The persons who brought the suit to that court, if not satisfied with the decision, may then have the right to ask that the suit be tried over again, in whole or in part, before a higher court. This is the process known as "appeal." The court to which the case then goes is said to have "appellate jurisdiction."

Clause 3. Trial by Jury in Criminal Cases. **The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.**

The jury system runs far back into the history of English-

*Clause 1 was added to by Amendment XI in 1798. (See page 180.) The United States courts, by that amendment, cannot deal with cases ("suits") brought by citizens of one State, or of foreign countries, against a State.

speaking peoples. Jury trial has been considered for centuries to be the chief safeguard of personal liberty, and thus has been cherished and upheld at all costs. The colonists complained bitterly that, in certain particulars, the British government had denied them the right of trial by a jury of their fellow men. (See the Declaration of Independence.)

The jury system protects every man and woman against loss of life or liberty unless a body of fellow citizens, chosen for the purpose, after listening to the facts both for and against the accused person, decides that he or she has been guilty of breaking the law.

There are two kinds of juries—the large or "grand jury," and the small or "petit jury" (pronounced "petty"). The grand jury is a body of from twelve to twenty-three men chosen to inquire into the facts when a person has been accused of an offense against the laws. After hearing the evidence, the grand jury decides that the charge is true, or not true. If true, the jury votes an "indictment," which causes the accused person to be brought to trial before a court and a petit jury.

The petit jury, or "trial jury," consists of a body of twelve persons chosen to hear the evidence and to decide the facts ("render a verdict") in a case in which a person has been indicted for crime ("criminal trial"), or in a case in which property or other similar interests are at stake ("civil suit"). The judge of the court presides over the trial, or suit. All twelve jurymen must agree in criminal cases before a decision can be reached. If the jury disagrees a new trial may be had.

The object, in Clause 3, in requiring criminal trials to be held in the State in which the crime has been committed is to save expense and difficulties of various kinds. The

A COURT IN SESSION DURING A JURY TRIAL

founders of the government had fresh in mind the experience that the British government had forced the colonists to stand trial in England, rather than in the colonies.

The provisions of Clause 3 were attacked by opponents of the Constitution when it was presented for approval to the people. They feared that the dearly won right of jury trial was not made safe enough by this clause. To assure the people that this great right should never be denied them, the First Congress proposed amendments, which were accepted by the States in 1791. (Read Amendments V, VI, VII, and VIII, page 176.) These amendments made secure the right of jury trial.

Section 3. *Clause 1. Treason and Its Punishment.* **Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.**

Clause 2. **The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.**

Treason is a crime that aims at the destruction of the government itself. A traitor is more than an enemy against one of his fellow men: he is an enemy against *all* his fellow countrymen. Therefore, the person guilty of treason, the traitor, is considered to be the most dangerous of all criminals.*

The second part of the clause provides that the family and descendants of a traitor shall not be made to suffer for his evil deeds.

Our Supreme Court

From 1789 to the present date there have been nine Chief Justices of the Supreme Court. They have been men of remarkable ability and force of character. The first Chief Justice, John Jay, was appointed by President Washington. He had rendered distinguished services to his country during the Revolution and the period immediately following. The Court came into its full strength, however, under the leadership of the great Chief Justice, John Marshall. He served throughout the early stage of the nation's life, for a period of thirty-four years (1801-1835). In a series of famous decisions, this great man, more than any other one person in our history, gave to the Constitution the meaning that it still possesses. These decisions were a powerful force in strengthening the central government. They upheld the power and dignity of the federal courts. They kept the States within the bounds laid down in the Constitution. So far-reaching was the work of Chief Justice Marshall that he has been justly called "a second maker of the Constitution."

*The most famous trial for treason in our history was that of Aaron Burr. It failed for lack of witnesses. No person has ever been put to death for treason in our history.

THE SUPREME COURT CHAMBER

The Supreme Court holds its regular term in a large hall in the Capitol at Washington from October of one year to June of the next. Each day an official announces the opening of court by shouting "Oyez! Oyez!" (Hear ye! Hear ye!) The nine Justices, robed in black silk gowns, walk into the chamber and take their seats. They are then ready to listen to the points of law in the cases set for the day's hearing. The present Chief Justice is ex-President William Howard Taft. The authority of the Supreme Court has grown until today no court of any other nation can equal it in importance.

Questions and Problems

1. Is it better to have judges elected by the people or appointed for life by the President? Give reasons for your answers.
2. Have you ever heard of the "judicial recall"? Ask your father about it and try to find reasons for and against it.

3. Tell of the work of John Marshall.
4. Name our present Supreme Court judges.
5. What are acts of treason? Why is treason considered the most disgraceful kind of crime?

Suggested Activities

1. Proposition for debate: Resolved, that trial by jury be abolished.
2. Form a United States court among members of the class. Appoint a judge, an attorney, and a marshal. Select a petit jury. Try a civil case before judge and jury. (The teacher should see that the case is one that falls within the jurisdiction of a United States court.) Have the jury render a verdict.
3. Ask your father to tell you about any experiences he may have had serving on a jury. Get his opinions and report to the class.
4. Make a summary outline of the judicial department, using these main heads: A. The Supreme Court—1. Number of judges fixed by Congress; 2. Method of selection; 3. Term of office; 4. Jurisdiction. B. Inferior courts—1. Kinds; 2. Number of judges; 3. Jurisdiction.

Topic References

Adams: *A Community Civics*, Chapter XVII.
Haskin: *The American Government*, Chapters XXVI and XXVII.
Howe: *New Era Civics*, Chapter VI.
McPheters, Cleveland, and Jones: *Citizenship Dramatized*, pages 17-41 (a jury trial).

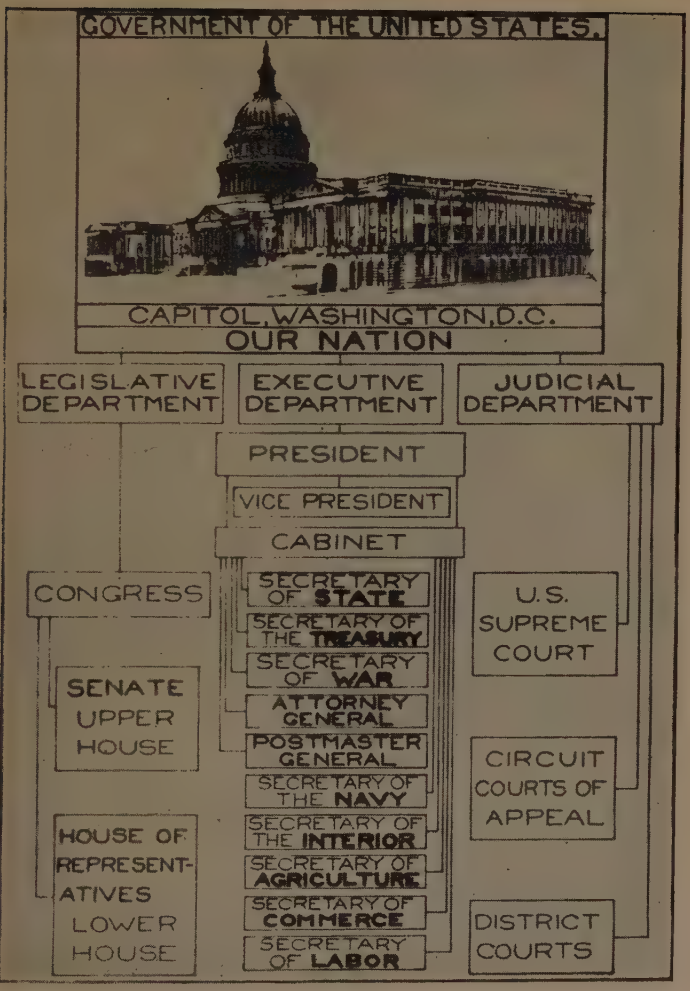
Law is nothing but a correct principle commanding what is honest and forbidding the contrary.—Cicero.

SUMMARY

THE DEPARTMENTS OF GOVERNMENT

We have now completed our study of the three great departments into which our government is divided: the legislative, or law-making, department, centered in Congress; the executive, or law-enforcing, department, centered in the President; the judicial, or law-interpreting, department, centered in the Supreme Court. We must have laws to guide us in our conduct and to supply our needs; we must have a national leader to see that our laws are carried out and that the needs of the people are met; and we must have some means of deciding the meanings of these laws when men hold different opinions regarding them.

Let us recall that our nation's founders kept these three powers separate because they felt that it would be dangerous to put such a tremendous amount of power into the hands of any one man or body of men. So they divided the powers, making each department a check on the other —thus securing to our people a well-balanced, carefully guarded, wise national government.


GOVERNMENT OF THE UNITED STATES.
CAPITOL, WASHINGTON, D.C.
OUR NATION
LEGISLATIVE DEPARTMENT
EXECUTIVE DEPARTMENT
JUDICIAL DEPARTMENT
PRESIDENT
VICE PRESIDENT
CABINET
CONGRESS
SECRETARY OF STATE
SECRETARY OF THE TREASURY
SECRETARY OF WAR
ATTORNEY GENERAL
POSTMASTER GENERAL
SECRETARY OF THE NAVY
SECRETARY OF THE INTERIOR
SECRETARY OF AGRICULTURE
SECRETARY OF COMMERCE
SECRETARY OF LABOR
U.S. SUPREME COURT
SENATE UPPER HOUSE
CIRCUIT COURTS OF APPEAL
HOUSE OF REPRESENTATIVES LOWER HOUSE
DISTRICT COURTS

CHAPTER XIV

ARTICLE IV: THE STATES AND THE UNION

The Constitution in all its provisions looks to an indestructible Union composed of indestructible States.
—*Supreme Court Decision.*

Section 1. *Acts and Records of One State to Be Respected by the Others.* **Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.**

In Article IV, the Constitution recognizes the State governments and outlines their relations to each other and to the Federal Government.

Section 1 is intended to insure harmony and good-will among the citizens of the several States. The words of the section mean that any legislative act, court judgment, etc., that is lawful in one State is to be accepted as lawful by the other States, even though the laws of these States may vary from those of the one State.

Section 2. *Clause 1. Rights of Citizens the Same in All States.* **The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.**

Although our country is made up of forty-eight different States, each with its own law-making body, governor, and courts, by Clause 1 we may go into any State and enjoy the privileges and rights of the citizens of that State. In colonial days and even for a short time after our country

was founded, a citizen of one colony or State might meet with many difficulties when he went to another State to visit, or for business purposes.

Clause 2. The Return of Fleeing Criminals. **A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.**

Clause 3. **No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.**

Clause 2 provides a method ("extradition") for the return of criminals fleeing from one State to another to avoid arrest. Clause 3 referred to negro slaves. It has no longer any meaning for us.

Section 3. *Clause 1. Admission of New States.* **New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.**

The ownership of the lands lying to the west of the Allegheny Mountains had been a cause of much discord among the thirteen original States. Finally, in 1780, the States laying claim to these lands agreed to give up their interest in them to the Union. The Congress of the Confederation, on its part, agreed to hold these lands for the common benefit and to open them to settlement. These gifts were made by the States between 1781 and 1802, and formed the "public domain."

It had been further agreed that Congress would set up temporary ("territorial") governments for the settlers in

these regions, and receive them into the Union as soon as their population was large enough. Moreover, at the time the Constitution was drawn up, there were other large areas ready for transformation into States. Among them were Vermont, Kentucky, and Tennessee.

These conditions were well known to the men who sat in the Constitutional Convention, and they prepared for the coming of these new States in Section 3. In Clause 1 they granted the power to Congress, within certain limits, of admitting new States into the Union.

Clause 2. The Government of Territories. **The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.**

Clause 2, together with Clause 1, gives Congress complete control over the possessions of the United States, whether they are territories approaching statehood, or otherwise.

By its power given in Section 3, Congress has admitted thirty-five new States since the organization of the government in 1789.* The first State to be admitted was Vermont in 1791, closely followed by Kentucky in 1792. The two last to be admitted were New Mexico and Arizona in 1912. These new States have usually been required to pass through the preliminary stage of existence as territories before they were admitted as States. An organized territory is a State in the making. The territory sends a delegate to Congress who is allowed the privilege of speaking, though not of voting. The people of a territory have no part in electing a President. At the present time (1923) Alaska and Hawaii are the only organized territories remaining.

*North Carolina and Rhode Island ratified the Constitution soon after the new government was in operation.

THE TERRITORIAL CAPITOL—HAWAIIAN ISLANDS

The permission of Congress must be secured by a territory before it may join the family of States. When the area of a territory is large enough, and when it has grown to sufficient size in population for admission to statehood,* Congress ordinarily passes a law known as an "Enabling Act." The Enabling Act grants permission to the people of the territory to apply to Congress for admission, and gives them authority to draw up a constitution for the State-to-be.

This constitution is then voted upon by the people of the territory. If acceptable to them, it is submitted to Congress. Congress may insist on changes, and delay admission until the constitution is satisfactory to it. When

*Neither the size of area nor of population has ever been definitely fixed.

Congress approves the constitution, the President issues a proclamation announcing that a new State has been received into the union.

Clause 2 also gives Congress the sole authority to deal with "other property belonging to the United States." This phrase applies alike to small areas of land and other belongings used for governmental purposes (as sites of buildings, fortifications, prisons, etc.) and to large regions over which the government of the United States has control; for example, the millions of acres of unoccupied ("public") lands which have come into the hands of the Federal Government as the country has expanded.

Under Clause 2 also is included the control exercised by Congress over the District of Columbia (see pages 101-103), the Panama Canal Zone, and the "insular," or island, possessions of the United States. The insular possessions include at the present time Porto Rico, Guam, the Philippine Islands, the Virgin Islands, and other minor islands. These possessions are governed through Acts of Congress. Civil governments (non-military) have been established in Porto Rico and in the Philippines under governors appointed by the President. The inhabitants have been allowed a large measure of self-government. They send commissioners to represent them in Congress, with the privilege of speaking, but not of voting. The smaller islands are controlled by the Navy Department.

Section 4. *Guarantees to the States.* **The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.**

As indicated in our study of the method of admission of States, Congress establishes certain requirements which

must be met before it will accept the new State's constitution. The most important of these requirements is the guarantee in Section 4 that the government of the State must be "republican" in form. The provision is a natural one, because the United States government itself is republican in form. (See pages 18, 20.) It would not do to have a State of another type of government than that of a republic, existing within the Union.

The provision in Section 4 that the government of the United States shall protect each State "against invasion" is made necessary because the Constitution forbids the States to maintain a standing army and a navy in time of peace. (See page 113.) So, if one of our border States is attacked by a foreign enemy, the United States government, under this clause of the Constitution, must protect it.

Questions and Problems

1. When was your State admitted to the Union? What was it before it became a State?
2. Is there any "public property" near you under control of the Federal Government?
3. What clauses in this chapter show that although we are forty-eight States, we are yet one unified nation?
4. What is the difference between a territory and a possession?

Suggested Activities

1. Proposition for debate—Resolved, that the Philippine Islands be given their independence.
2. Look up material telling about the admission of your State into the Union.
3. Write a theme on (*a*) The Beauties of Hawaii, (*b*) The Future of Alaska.
4. Look up information on how we secured our territories and possessions.

Topic References

Howe: *New Era Civics*, Chapter XII.
Hughes: *Community Civics*, pages 217-222, 233-236, 239-240, 493.
Wade and Russell: *The Short Constitution*, page 161.

CHAPTER XV

ARTICLES V, VI, AND VII: METHOD OF AMENDMENT; SUPREMACY OF THE CONSTITUTION; RATIFICATION

> Our Country . . . and by the blessing of God may that country itself become a vast and splendid monument not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration forever.—*Daniel Webster.*

Article V: Method of Amendment

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

"It is not too much to say that the amending clause is the most important clause in a written constitution." This is true because the amending clause indicates who has the right to change the Constitution, that body of rules and regulations which is the rock foundation of the govern-

ment. And such change would greatly affect the lives of the people under that government. The amending clause of our Constitution again shows us that in the United States of America the people are supreme. No Congress, or Supreme Court, or President can change our Constitution. The people themselves, through their directly elected representatives, are the only ones who can say that their form of government shall be changed.

We have already noted that it was nearly impossible to amend the Articles of Confederation, and to what serious consequences that condition had led. (See page 35.) The members of the Constitutional Convention wished to guard against a governmental system so rigid that it could not be altered as times changed. They wished, as well, to guard against the opposite danger of a governmental system too readily and easily changed, for that might lead to great confusion. As a result of their labors, they settled upon two methods of proposing, and two methods of accepting, or ratifying, amendments.

The two methods of proposing amendments are: (1) by a two-thirds vote of both the Senate and the House; (2) by congressional action, calling a national convention for that purpose, when asked for by two thirds of the State legislatures. All amendments to the Constitution thus far have been proposed in accordance with the first method.

The two methods of ratifying amendments are: (1) approval by the legislatures of three fourths of the States; (2) approval by special conventions in three fourths of the States. The first method has been followed in all instances of amendment to date.

The Constitution forbade certain changes to be made. First, it prohibited any change before the year 1808, in respect to the compromise reached in the Constitutional

Convention upon the subject of the slave trade. (See page 107.) This provision of the Constitution was of a temporary nature, and need not be further considered by us.

Second, it declares that "no State, without its consent, shall be deprived of its equal suffrage [voting strength] in the Senate." This provision was the result of the compromise in the Convention between the smaller and the larger States. (See pages 57-58.) It is the guarantee to the smaller States that their interests will be fully protected.

When the necessary majorities have been secured, an amendment is put into effect at once by proclamation of the President. An amendment has the same binding force as have other parts of the Constitution.

We see, then, that it is none too easy to change the Constitution, but that amendment is possible. An amendment to be carried must have the strong support of a large majority of the people.

Article VI: Public Debt; Supremacy of the Constitution

Clause 1. National Debts. **All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.**

To carry on the War of Independence, the united colonies had borrowed large sums of money both at home and abroad. (See page 34.) This public debt was afterward determined by Hamilton, in President Washington's first administration, to have been in the neighborhood of $54,000,000. The promise in Clause 1 that the public debt would be paid ("be valid") was intended to establish confidence in the new government.

Clause 2. The Constitution the Supreme Law. **This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.**

To understand the great importance of Clause 2, we must bear in mind again that, under the Articles of Confederation, the States had been more powerful than the central government. The framers of the Constitution had experienced the evils arising under that system. They desired both to preserve State independence and to establish a real federal union. They desired to secure and maintain a proper balance of strength between the States and the Federal Government. This was not easily done.

The problem was solved by making the Federal Government supreme in the field of powers given it by the Constitution. The language of Clause 2 upon this point is plain and emphatic. This provision declares that the Constitution, and the laws and treaties made in accordance with it, shall be "the supreme law of the land," and, further, requires "the judges in every State" to be "bound thereby," no matter what the constitutions and laws of their respective States may contain to the contrary. The judges are specially named because they are the officers who interpret the laws, and carry them into effect through their decisions and orders.

We must once more remind ourselves at this point that, under our system of government, there is a division of powers between the Federal Government and the States. The authority of the Federal Government is limited. Within the circle of powers granted it by the Constitution, however, it is supreme. Outside that circle, it has no powers whatever. How is that circle of influence to be discovered?

What body is to determine the limits of State and of federal powers whenever disputes arise? The answer is that the Federal Government itself, through the Supreme Court, decides whether a law violates the powers given to the Federal Government in the Constitution.

Clause 3. No Religious Test for Office. **The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.**

The supremacy of the Constitution is still further safeguarded in Clause 3. All officers of both the federal and the State governments, before assuming office, must take an oath (or "affirmation") to "support" the Constitution. They cannot in honor, therefore, perform any acts which are contrary to the Constitution.

At the time when the Constitution was drawn up, the governments of various foreign nations, as well as several of the States, recognized certain religious bodies ("churches") as official, or "State," churches, and controlled their activities. These governments required their officers to take oath that they belonged to the State church.

The government of the United States has no State church.* Therefore, religious tests are not only unnecessary, but are expressly forbidden, "as a qualification" for those holding office under the United States.

Article VII: Ratification of the Constitution

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

*See, also, Amendment I, page 173.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names:

George Washington,
President, and Deputy from Virginia,
(and the thirty-eight other delegates.)

The effect of Article VII was to bring about a peaceful revolution, in declaring that the Constitution should go into effect when only nine States had ratified it. The founders of the new government felt that, by reason of the critical condition of the country at the time, they could not wait until all the colonies had accepted the new government. Some one colony might have held out, and thus have wrecked all the work and hopes of the founders. The ninth State to ratify the Constitution was New Hampshire, June 21, 1788.

Questions and Problems

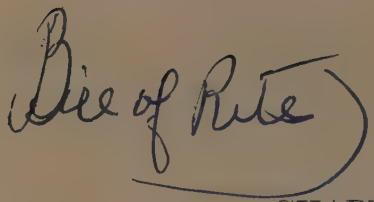
1. Why is the power of amendment so important?
2. How does Article V show that in America the people rule?
3. What is an unconstitutional law? Who decides whether or not a law is unconstitutional?

Suggested Activities

1. From your study of the Constitution, make a list of matters concerning which your state legislature would have no right to make a law.
2. Ask your parents whether they think any changes should be made in our Constitution.

Topic References

Howe: *New Era Civics*, pages 39-40.
Hughes: *Community Civics*, pages 104, 214-215, 236.
Wade and Russell: *The Short Constitution*, Chapters XXIV and XXV.



CHAPTER XVI

THE AMENDMENTS TO THE CONSTITUTION

The basis of our political system is the right of the people to make or alter their constitution of government.—*George Washington.*

The Bill of Rights: Articles I to X

One of the chief objections raised against the Constitution by its opponents at the time of its ratification was the fact that no distinct statements in protection of the great personal liberties were contained in it. For these rights, English-speaking peoples had fought for centuries in their struggles against the king. Among them, we have already noted trial by jury, freedom of speech, freedom of the press, etc.

To bring about the acceptance of the Constitution it was generally agreed that amendments guaranteeing these rights would be submitted later. Therefore, twelve amendments were proposed to the States by the First Congress in 1789. Ten of them were quickly ratified by the necessary number of State legislatures, and declared in force, December 15, 1791. Taken as a group, these amendments go under the name of the "Bill of Rights." They give a list of important rights and privileges that the government of the United States cannot take away from its citizens, or deny to them. America is the land of the free.

THE CONGRESSIONAL LIBRARY

Article I. *Freedom of Religion, Speech, the Press, Assembly.* **Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.**

Article I deals with rights relating to personal liberty.

(*a*) *Freedom of Religion.* A great many different religious faiths existed in the original States, and, as we have seen, State churches existed. (See page 170.) To set up one of these faiths, as a national religion to rule all the others, would have caused endless trouble. Amendment I assures freedom of religious worship to all.

(*b*) *Freedom of Speech and of the Press.* Freedom of speech is also guaranteed in Article I, and freedom of publication of writings ("freedom of the press"). In certain countries, men may not say freely what they think

about their rulers, nor may they print in the newspapers, or in books, what they believe upon public matters, without being subject to arrest if they displease those in power. In those countries writings must first be read by an official (the "censor") whose business it is to strike out material displeasing to the government. When the Constitution was framed this condition existed in most countries. In the United States two of the most valued personal rights of citizens are freedom of speech and of the press.

These precious rights, however, may be seriously abused, and we have laws ("libel" laws) which protect us against persons who by word of mouth or in writing spread false reports about us. We should help to preserve these important rights of freedom of speech and of the press by dealing fairly, in spoken word and written word, with our fellow-citizens. Otherwise, the liberties, so dearly bought, will prove a danger rather than a blessing to the people.

(*c*) *Freedom of Assembly and of Petition.* In times past, rulers have forbidden their people to meet in bodies to discuss public affairs, because they feared that the people, through unified action, might become too strong. The rights of the people to meet together and to present a statement to the government asking that wrongs be corrected ("petition the government for a redress of grievances") seem very simple and natural ones to us today. It took centuries, however, for the people to gain them. These are fundamental rights under a republican form of government.

Article II. *The Right to Keep and Bear Arms.* **A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.**

We have spoken earlier of the dread in the minds of the people toward a large standing army. Rulers in former

times had oppressed the people by the use of professional soldiers against them, and by denying the people the right to "keep and bear arms." Amendment II guarantees to the people the right to defend their liberties through the militia, which, coming forth from the people themselves, could not be used against them to any extent. (See page 101.)

Article III. *No Quartering of Troops.* **No soldier shall, in time of peace, be quartered in any house, without consent of the owner; nor in time of war, but in a manner to be prescribed by law.**

The people had been oppressed in colonial days by being forced to keep soldiers in their homes against their will. This was a means of breaking down their resistance to unjust acts of their rulers. One of the causes of the Revolution had been this "quartering" (sometimes called "billeting") of soldiers upon the colonists by the British government. Acts of this kind are prohibited to the Federal Government, except under certain just conditions.

Article IV. *Freedom from Unreasonable Search and Seizure.* **The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.**

The officers of the ruler in earlier times could violate, as they pleased, the sacredness of the home. They could go into a man's private dwelling and seize the man himself, or his goods, without giving any reason. The people gained the right of protection against "unreasonable searches and seizures" only after a long, hard struggle. Indeed, even as late as the Revolution, the colonists had held one of their chief grievances against the British government to be the violation (by officers of the king) of this dearly-bought right. (See the Declaration of Independence.)

Hence, the people, in Amendment IV, took care to guarantee their liberties in this important respect. This provision makes it impossible for any officer of the Federal Government to enter a private home for purposes of search or seizure of property, unless for good cause and under the authority of a court of law. The paper giving this authority is called a "search warrant." A person whose home is entered by officers may demand to see this warrant.

Article V. *Rights of Persons Accused of Crime.* **No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.**

Article VI. *Trial by Jury in Criminal Cases.* **In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.**

Article VII. *Trial by Jury in Civil Cases.* **In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.**

Article VIII. *No Excessive Bail, Fines, nor Cruel Punishments.* **Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.**

The meaning of jury trial, its importance, and the chief

points in the process, were dealt with when we read about the judicial department. (See pages 152-154.)

The provision in Amendment V that a person's property shall not be taken from him "without due process of law" is the cornerstone of our rights relating to property. The further provision that private property shall not be seized for public purposes "without just compensation," reinforces the right. The Federal Government may secure private property for public uses (as, for example, for a post office building), but not until a reasonable amount, based upon a just valuation, has been paid to the owner for it. This right of the government is known as that of "eminent domain."

Article IX. *Additional Guarantee of People's Rights.* **The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.**

The Constitution makes direct mention ("enumeration") of certain long-recognized personal rights of the people, like those of habeas corpus, freedom of religion, freedom of the press, etc. Not all such rights can be enumerated in a document as brief as the Constitution. Hence, Article IX states that, if rights are not directly mentioned, they are not to be considered as having been given up by the people, nor shall the Federal Government do anything to take them away from the people.

Duties Corresponding to Rights

Having made a study of our rights, it is well for us to pause to remember that for every right given us, we have a duty that we must fulfill. We should live up to our duties just as strictly as we should demand our rights.

RAISING THE ROOSEVELT MEMORIAL FLAG UNDER GUARD OF A DETACHMENT OF BOY SCOUTS

First and foremost, as good citizens, it is our duty to obey and support the law. The best way by which to have an unwise or unjust law changed, is for all to obey it. Then its weak or dangerous points become clear, and public opinion quickly brings about its change or repeal. "The best way to secure the repeal of a bad law is to enforce it," said President Ulysses S. Grant.

Again, as good citizens, it is our duty to respect and pay honor to the Flag of our country. When "Old Glory" is carried past, as in a parade, we should stand at respectful attention, and men and boys should uncover their heads:

Uncover when the flag goes by, boys,
'Tis freedom's starry banner that you greet,
Flag famed in song and story,
Long may it wave, Old Glory,
The Flag that has never known defeat.

—*Benjamin and Sutton.*

Again, as good citizens we should share willingly and cheerfully in helping to bear the common load of government. As we grow older, we should not shirk in paying taxes, serving on juries, voting on election day, and performing military service in case of need.

The great British admiral, Lord Nelson, at the battle of Trafalgar, gave to his men the famous message: "England expects every man to do his duty." Thus will our free institutions be safe, so long as our citizens do their duty toward their country, intelligently and unselfishly. "The two essentials of good citizenship are *knowledge* and *service*."

Article X. *Reserved Powers.* **The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.**

Article X is a definite statement of the plan upon which the Union was formed. The Federal Government is a government of limited powers. It possesses only certain powers listed in the Constitution and in the amendments. (See pages 18, 169.) All other powers are held either by the States (unless denied to them) or by the people.

We have seen that, in a republic, all powers of government begin with and belong to the "governed"—that is, to the people. The people may give and they may forbid the use of those powers to the various agencies set up to carry out their will. They may divide those powers among the different agencies as they think best.

In the Constitution the people did divide and distribute the powers of government according to the following plan:

1. They granted certain powers to the Federal Government alone, such as the power to make treaties.

2. They permitted the States to keep certain powers exclusively, such as the power to pass laws on the subject of marriage and divorce.

3. They allowed both the Federal Government and the States to exercise certain powers in common, such as the power to levy taxes.

4. They prohibited the exercise of certain powers by the government of the United States, such as the levying of export duties.

5. They prohibited the exercise of certain powers by the States, such as the power to coin money.

6. They kept certain powers in their own hands, such as the power to change the Constitution.

The Constitution, then, draws a circle about the powers granted to the Federal Government and another circle about those reserved to the States. Each government has control within its own circle of powers. We have already seen that the Supreme Court decides which government shall exercise powers when a conflict between a State and the Federal Government arises. (See pages 169-170.)

Later Amendments: Articles XI to XIX

Article XI. *Limitations on Powers of Federal Courts.* **The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.**

Article XI has been considered sufficiently in our study of the judicial department. (See Chapter XIII.)

Article XII. *Method of Election of President and Vice President.* **The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons**

voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Article XII has been considered sufficiently in our study of the elections of President and Vice President. (See pages 117-118.)

Article XIII. *Slavery Abolished.* **Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

A VIEW IN ONE OF OUR NINETEEN GREAT NATIONAL PARKS CREATED FOR OUR PEOPLE BY THE GOVERNMENT

Article XIV. Section 1. *Citizenship Defined and Guaranteed.* **All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.**

Section 2. *Apportionment of Representatives.* **Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged,**

except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. *Certain Persons Denied Office.* No person shall be a senator or representative in Congress, or elector of President or Vice President or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Section 4. *National Debts Guaranteed and Certain Others Denied.* The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV. *Right to Vote Guaranteed.* Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

These three amendments resulted from the Civil War, and were adopted as follows: the XIIIth in 1865, the XIVth in 1868, and the XVth in 1870.

In the midst of the war President Lincoln issued his celebrated Emancipation Proclamation, setting free the negro slaves within certain States. He took this action as a war measure, under the "war powers" granted to the

President in the Constitution. Several States in which slavery existed were not named in the Proclamation. To abolish human slavery for all time in all the States, Amendment XIII was adopted.

The first part of Amendment XIV gives the definition of citizenship which has already been considered. (See pages 86-87.) The amendment as a whole was intended to protect the personal rights of the freed slaves. It has, however, a broader application to all citizens. The clauses relating to the apportionment of representatives and denying office to certain persons grew out of conditions immediately following the Civil War.

Amendment XV admitted the freed negroes to full political rights.

Article XVI. *Income Tax Authorized.* **The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.**

Article XVI, adopted in 1913, has already been considered in our study of taxation. (See page 109.)

Article XVII. *The Direct Election of United States Senators.* **The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.**

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; *provided,* that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

Article XVII has already been considered sufficiently, in connection with our study of the election of United States senators. (See pages 63-65.) It was adopted in 1913.

Article XVIII. *The Prohibition of Intoxicating Liquors.* **Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited.**

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress.

In the period just before the Civil War, several States passed laws stopping the manufacture and sale of intoxicating liquors. This "prohibition movement" grew stronger toward the last quarter of the nineteenth century. The advocates of prohibition were called the "drys"; their opponents, the "wets." As time went on, many States began to go dry by what was known as "local option"; that is, the people by vote applied prohibition to their counties, towns, or cities. Finally, national prohibition came to the front again as a part of the conduct of the great World War. The Prohibition Amendment was adopted in 1919 and went into effect in 1920.

Article XIX. *Suffrage for Women.* **Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.**

Section 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Article XIX was submitted to the States by Congress in June, 1919, and ratified by the necessary number in

August, 1920. It marked the triumph of a long struggle by women to secure full political equality with men.

The Constitution had not recognized women as voters. However, the States were free to extend to them the suffrage privilege. Women voted in New Jersey for a brief time in the early years of the nineteenth century. In the middle of the century, the woman suffrage movement got under real headway. Susan B. Anthony gained national fame as a leader in the cause of the rights of women. "On this line we propose to fight our battle for the ballot—peaceably, but nevertheless persistently—until we achieve complete triumph, and all United States citizens, men and women alike, are recognized in government," said Susan B. Anthony. The new States in the west were the first ones to accept this liberal idea in their constitutions. When admitted as a State, Wyoming, in 1890, gave women the right to vote and hold office in that State. Colorado, Utah, and Idaho followed in quick succession. By 1920, more than twenty other States had granted full, or partial, woman suffrage.

Great progress had been made, but in the majority of States women were still debarred from voting in presidential elections. An amendment to the Constitution was the only means by which that end could be achieved. At several sessions of Congress, such an amendment failed to pass. The women formed a strong national organization in support of it, headed by Dr. Anna H. Shaw. They called the amendment the "Susan B. Anthony Amendment." Congress submitted the amendment to the States in June, 1919, and it was ratified by the necessary number in August, 1920. Tennessee was the thirty-sixth State to ratify. The proclamation putting in force the XIXth Amendment came in time for women to vote in the presidential election of 1920.

Questions and Problems

1. Why is the right of jury trial held to be so precious?
2. Why is the government allowed to seize private property?
3. What are some of the abuses of freedom of speech? How may they be corrected?
4. What newspapers do you read? What magazines? Make a list of the newspapers and magazines that you read.
5. What reasons do you find in favor of woman suffrage?
6. What should be our attitude toward our fellow-citizens of different religious faith from ours?

Suggested Activities

1. Find items in the newspapers telling of the use or abuse of these important rights: jury trial, freedom of speech, etc. Bring the clippings to class and report upon them.
2. Find items in the press (or from your experience), showing how citizens are fulfilling, or not fulfilling, their civic duties. Make reports to the class.
3. Visit a newspaper plant in your community. Trace the various stages by which a modern newspaper is got ready and printed. Make oral and written reports to the class.
4. Write a statement of the influence of the newspaper in present-day American life, showing what abuses, if any, have crept in, and how they may be corrected.
5. Find material on the lives of Susan B. Anthony and Dr. Anna H. Shaw. Make reports to the class.
6. Look up in the newspaper files and magazines the incidents connected with the appointment of the first woman senator of the United States, and of her reception in the Senate. Find out also who was the first woman representative, and whether there are now any women in the House of Representatives.
7. Make a list of powers:
   (*a*) given to the central government;
   (*b*) denied to it;
   (*c*) denied to the States;
   (*d*) denied to both.

Topic References

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Howe: *New Era Civics*, Chapters X-XI.
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Turkington: *My Country*, pages 166-167, 207, 244.
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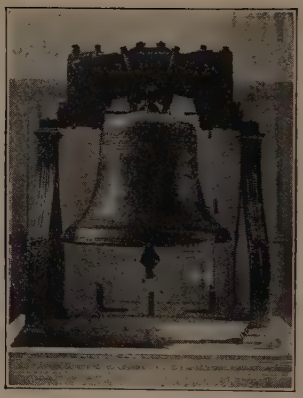

THE LIBERTY BELL

APPENDIX

THE DECLARATION OF INDEPENDENCE

In Congress, July 4, 1776.

The following declaration of principles was agreed to on July 4, 1776, and is thus recorded in the Journal of Congress for that day:

Agreeably to the order of the day, the Congress resolved itself into a committee of the whole to take into their further consideration the Declaration; and, after some time, the president resumed the chair, and Mr. Harrison reported that the committee have agreed to a Declaration, which they desired him to report. The Declaration being read, was agreed to as follows:

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the

same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

[There is omitted here a long list of particular grievances that the colonists held against the king. Some of these are of special interest to us because we can see by our study of the Constitution how careful the framers were to guard against such abuse and loss of liberty under the new government. These are some of the grievances: refusal to allow the people to be represented in the law-making bodies; interference with the courts of law; the keeping up of large armies without the people's consent; taxation without the people's consent; denial of trial by jury.]

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in our attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war; in peace, friends.

We therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, con-

clude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members:

John Hancock.

NEW HAMPSHIRE
Josiah Bartlett
William Whipple
Matthew Thornton

MASSACHUSETTS BAY
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

PENNSYLVANIA
Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

DELAWARE
Caesar Rodney
George Read
John Hart
Abraham Clark

RHODE ISLAND
Stephen Hopkins
William Ellery

CONNECTICUT
Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott
Thomas M'Kean

MARYLAND
Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

VIRGINIA
George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

NEW YORK
William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

NEW JERSEY
Richard Stockton
John Witherspoon
Francis Hopkinson

NORTH CAROLINA
William Hooper
Joseph Hewes
John Penn

SOUTH CAROLINA
Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

GEORGIA
Button Gwinnett
Lyman Hall
George Walton

THE CONSTITUTION OF THE UNITED STATES

PREAMBLE

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

THE LEGISLATIVE DEPARTMENT

The Two Houses of Congress

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

The House of Representatives

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

(Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.)* The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made the State

* Partly changed by the Fourteenth Amendment.

of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Senate

Section 3. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Election of Members of Congress; Sessions

Section 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Powers of Congress Over Its Members; Other Rules

Section 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Pay, Privileges, and Restrictions of Members

Section 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Steps in the Passing of Laws

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers Given to Congress

Section 8. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Powers Denied to Congress

Section 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Powers Denied to the States

Section 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

THE EXECUTIVE DEPARTMENT

Election, Term, and Qualifications of President and Vice President

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators

and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.)*

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the

*This paragraph was in force only from 1788 to 1803.

period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Powers and Duties of the President

Section 2. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Impeachment of the President and of Civil Officers

Section 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

THE JUDICIAL DEPARTMENT

The United States Courts

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Cases in Which the United States Courts Have Authority

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; (between a State and citizens of another State);* between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason and Its Punishment

Section 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason,

*Cancelled by the Eleventh Amendment.

but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV

RELATION OF THE STATE AND FEDERAL GOVERNMENTS

Acts and Records of One State to be Respected by the Others

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Rights of Citizens the Same in All States

Section 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Admission of New States and Government of Territories

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Guarantees to the States

Section 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the

executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

POWER AND METHOD OF AMENDING THE CONSTITUTION

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

PUBLIC DEBTS; THE SUPREME LAW; OATH OF OFFICE; NO RELIGIOUS TEST FOR OFFICE

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

RATIFICATION OF THE CONSTITUTION

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth.

In witness whereof, we have hereunto subscribed our names:

GEO. WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE:
John Langdon
Nicholas Gilman

MASSACHUSETTS:
Nathaniel Gorham
Rufus King

CONNECTICUT:
William Samuel Johnson
Roger Sherman

NEW YORK:
Alexander Hamilton

NEW JERSEY:
William Livingston
David Brearley
William Paterson
Jonathan Dayton

PENNSYLVANIA:
Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas Fitzsimmons
James Wilson
Gouveneur Morris

DELAWARE:
George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom

MARYLAND:
James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll

VIRGINIA:
John Blair
James Madison, Jr.

NORTH CAROLINA:
William Blount
Richard Dobbs Spaight
Hugh Williamson

SOUTH CAROLINA:
John Rutledge
Charles Pinckney
Charles Cotesworth Pinckney
Pierce Butler

GEORGIA:
William Few
Abraham Baldwin

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS

Articles in addition to, and amendments of, the Constitution of the United States of America, proposed by Congress, and ratified by the

legislatures of the several States pursuant of the fifth article of the original Constitution.

ARTICLE I

FREEDOM OF RELIGION, SPEECH, PRESS, AND RIGHT OF ASSEMBLY

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

RIGHT TO KEEP AND BEAR ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

NO QUARTERING OF TROOPS

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE IV

FREEDOM FROM UNREASONABLE SEARCH AND SEIZURE

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

RIGHTS OF PERSONS ACCUSED OF CRIME

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI

TRIAL BY JURY IN CRIMINAL CASES

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

TRIAL BY JURY IN CIVIL CASES

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of common law.

ARTICLE VIII

NO EXCESSIVE BAIL, FINES, NOR CRUEL PUNISHMENT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

ADDITIONAL GUARANTEE OF PEOPLE'S RIGHTS

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

POWERS RESERVED TO STATES AND THE PEOPLE

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

LIMITATIONS ON POWERS OF THE FEDERAL COURTS

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII

ELECTION OF PRESIDENT AND VICE PRESIDENT

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President. A quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII

ABOLITION OF SLAVERY

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly con-

victed, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

NEW LAWS RESULTING FROM THE CIVIL WAR

Citizenship Guaranteed and Defined

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Office Denied Certain Persons

Section 3. No person shall be a senator or representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

National Debts Guaranteed and Certain Others Denied

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

RIGHT TO VOTE GUARANTEED TO ALL CITIZENS

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

INCOME TAX AUTHORIZED

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII

DIRECT ELECTION OF SENATORS

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representaton of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; *provided*, that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

THE PROHIBITION OF INTOXICATING LIQUORS

Section 1. After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX

WOMAN SUFFRAGE

Section 1. The right of citizens of the United States to vote shall not be abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power, by appropriate legislation, to enforce this article.

REVIEW QUESTIONS

CHAPTER I

1. What is the reason for the existence of government?
2. What is law? Why is law necessary?
3. To what form of government does our Federal Government belong?
4. What are the great departments of government? Why were they created?

CHAPTER II

5. What interests tended to bind the colonies into a union? What conditions tended to pull them apart? What pressure finally united them?
6. What were the Articles of Confederation?
7. What were the chief defects of the Articles?
8. How were the defects of the Articles made clear during the "Critical Period"?
9. How was the Constitutional Convention brought about? For what purpose was it called?

CHAPTER III

10. When and where did the Constitutional Convention meet? Who were the leading men in it?
11. What is the general nature of the government established in the Constitution, in contrast with the government under the Articles of Confederation?
12. What is meant by ratification of the Constitution? What resistance was made to ratification?

CHAPTER IV

13. What is the meaning of the word preamble?
14. Why is the Preamble to the Constitution important? What does it state?

CHAPTER V

15. How is the legislative department organized?
16. How are members of the House of Representatives chosen? For what terms?

17. Why is the House known as the popular branch of Congress?
18. What are the qualifications required of members of the House?
19. How is membership in the House apportioned?
20. What is meant by impeachment? In which house are impeachment proceedings begun?

CHAPTER VI

21. Why does the Senate specially represent the States?
22. How are senators of the United States elected? What are their qualifications?
23. What are the terms of senators? How are the senators classified?
24. What officer presides over the Senate?
25. What special powers has the Senate? What powers in impeachments?

CHAPTER VII

26. When does Congress meet?
27. What powers has each house over its members?
28. What privileges do members of Congress possess? Why are they given?
29. What prohibition is laid upon members of Congress?
30. What are revenue bills? In which house must revenue bills originate?
31. What are the steps in the passage of laws?
32. What is the veto? What officer may use it?

CHAPTERS VIII AND IX

33. What specific powers is Congress given over:
    (*a*) Taxation?
    (*b*) Borrowing of money?
    (*c*) Commerce?
    (*d*) Naturalization?
    (*e*) Bankruptcy?
    (*f*) Issuance of money?
    (*g*) Postal service?
    (*h*) Copyright and patents?
    (*i*) Inferior courts?
    (*j*) Matters of a military nature?
    (*k*) The seat of government?
34. What clause gives Congress the right to exercise "implied powers"?

CHAPTER X

35. What is the writ of *habeas corpus?* How is it employed? Of what importance is it?
36. What is meant by bills of attainder; by *ex post facto* laws?
37. What is an income tax?
38. What are titles of nobility? Why are they forbidden?
39. What powers are denied to the States? Why are those powers denied to them?

CHAPTER XI

40. How is the executive department organized?
41. What is the term of the President?
42. How is the President elected?
43. What qualifications must the President meet?
44. How is a vacancy in the presidency filled?
45. What is the amount of the President's salary?
46. What is the inauguration?

CHAPTER XII

47. What powers are granted to the President over the army, navy, militia, and the executive departments?
48. What governmental business is performed by:
    (*a*) The Department of State?
    (*b*) The Treasury Department?
    (*c*) The War Department?
    (*d*) The Navy Department?
    (*e*) The Post Office Department?
    (*f*) The Department of the Interior?
    (*g*) The Department of Justice?
    (*h*) The Department of Agriculture?
    (*i*) The Department of Commerce?
    (*j*) The Department of Labor?
    (*k*) Other executive boards and commissions?
49. How is the President's Cabinet formed? What work does the Cabinet do? What is the President's power over the Cabinet?
50. What powers does the President possess with respect to persons convicted of violation of federal law?
51. What are the President's powers in the making of treaties?
52. What are the President's powers in appointments to office?
53. What are the President's duties:
    (*a*) Toward Congress?
    (*b*) Toward foreign nations?
    (*c*) In the carrying out of the federal laws?
    (*d*) In the commissioning of officers?

54. How may the President be removed from office?
55. What is the general importance of the presidential office today?

CHAPTER XIII

56. Into what parts is the judicial department organized?
57. What are inferior courts? What ones have been created by Congress?
58. How are federal judges chosen? Why?
59. What is the number of members of the Supreme Court?
60. What is the term of federal judges? Why?
61. What is a petit jury? What is a grand jury?
62. What kinds of cases can come before the federal courts?
63. What is trial by jury? Why is it such an important right?

CHAPTER XIV

64. What relationships between the States and the Union are established in Article IV, Sections 1 and 2.
65. What is extradition?
66. What are territories?
67. How are States admitted to the Union?
68. What guarantees are made to the States in Article IV, Section 4?

CHAPTER XV

69. What is meant by the power of amendment?
70. How may amendments be proposed? How may they be adopted?
71. What does Clause 2, Article VI do? Why was it put in the Constitution?
72. What body has authority finally to decide the matter in case of conflict of rights between the States and the Federal Government?
73. What is an oath of office? Why are religious tests forbidden?
74. What number of States was required to ratify the Constitution before it should go into force? Why?

CHAPTER XVI

75. What are the chief provisions of the "Bill of Rights." What, specifically, is the value to us of each one of these guarantees?
76. What duties, corresponding to rights, do we owe to our government?

77. What great thing did Article XIII do?
78. Who are citizens of the United States? What great rights are guaranteed all citizens in Article XIV, Section 1?
79. What are the main provisions of Amendment XVIII?
80. What is woman suffrage? How has it been brought about?

The American's Creed

I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign States, a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

—William Tyler Page.

GLOSSARY

The meanings of nearly all these words are made clear in the discussion of the clauses wherein they occur. This list has been prepared, however, for ready reference.

abridging, depriving; cutting off; doing away with.

adhering, joining with or to.

adjourn, to suspend business for a time.

admiralty, the court which decides questions having to do with marine or naval affairs.

affirmation, the form of pledge used by a person who for conscientious reasons will not take an oath.

alliance, a union of interests between or among nations.

ambassador, highest rank of representative from one nation to another.

amendment, a change in, or an addition to.

appellate, having to do with law disputes carried from one court to the next higher; appealed to the next higher court.

apportioned, divided and distributed among.

appropriation, money set apart for a particular use.

arsenals, places for the storage of military equipment.

ascertained, made certain of; decided upon.

at large, in full, completely.

attainder, loss of all rights as a citizen by one who has been convicted of treason or some other serious crime.

attainted, stained; dishonored; tainted.

bail, money or property given by one released from prison for a short time, to guarantee his return when he is wanted.

bankruptcies, losses of money through failure in business.

bill, a proposed law.

bills of credit, certificates issued by a government to circulate as money.

bounties, special rewards.

breach of peace, an act that disturbs or is offensive to one's fellow citizens; disorderly conduct.

bribery, giving or taking of money or some other form of payment for doing some dishonest deed.

capital crime, a crime punishable by death.

capitation, per person; a tax charged to each person individually.

census, a counting of the people, and valuation of their property.

cession, a yielding or surrender.

civil law, law relating to the private life of individuals.

civil office, a non-military government position.

clear (a port), to free a ship for its voyage by payment of customs duties, harbor fees, etc.

commerce, exchange of manufactured goods and raw materials in large quantities.

commission, a certificate permitting a person to hold a certain office; a group of persons appointed for a particular task.

common law, the general law of a country, as distinguished from its written statutes.

compact, an agreement.

compensation, payment; salary.

concur, to agree to; to act together.

concurrence, agreement or union in doing something.

concurrent power, power held jointly by two bodies.

confederation, a union of two or more independent states.

construed, interpreted; analyzed; taken to mean.

consul, one appointed by a government to look after its business interests in a foreign country.

convene, to assemble.

corruption of blood, loss of rights and property by a man's family because of some crime of which he alone was guilty.

counsel, legal advice; a lawyer.

counterfeiting, imitating; making a copy of with the intention of deceiving.

courts, bodies which explain the laws, settle disputes regarding the laws, conduct trials of accused persons, and impose punishment on the convicted.

current, belonging to the present time; in present circulation.

customs, taxes upon goods coming into the United States.

deem, to judge; to decide.

delegated, sent as a representative.

devolve on, fall upon.

diminished, made smaller or less.

disparage, to undervalue; to dishonor.

domestic violence, riots or uprisings within a State or nation.

duties, taxes charged upon goods coming into or going from a country.

duty of tonnage, a tax determined by the carrying capacity of a ship.

effects, personal property.

emancipation, liberation; setting free.

emit, to issue; to print and send into circulation.

emoluments, profits; salaries.

enumeration, a counting.

equity, a certain variety of law.

excises, taxes on goods made, sold, or used within the United States.

execute, perform; carry out.

executive authority, power to carry out or do things; the President's power.

exercise, to carry out the duties of an office.

expedient, advantageous or wise.

ex post facto, a law providing for or increasing punishment of an act, passed after the act has been performed.

felony, any very serious misdeed.

forfeiture, penalty; fine; loss.

grant, to give or award.

grievances, wrongs; injuries.

high crimes, treasons and felonies.

high seas, that part of the oceans and seas not under the control of any single nation; beyond three miles from the coast.

imminent, close at hand, immediate.

immunities, particular privileges, or freedom from a special duty or service.

impairing, injuring or weakening.

impeachment, the process by which a government officer may be removed from office.

imposts, taxes on goods coming into the United States; rarely, on goods going out.

incomes, money earned or otherwise received.

incurred, become liable or responsible for.

indictment, a statement charging a person with being guilty of a particular crime.

infamous crime, one punishable by imprisonment in a State prison.

infringed, destroyed; violated; broken down.

in pursuance of, in consequence of; as a result of.

insurrections, uprisings against governmental authority; rebellion.

involuntary servitude, work done or service rendered against one's will; slavery.

jeopardy, danger.

journal, a record of events or happenings.

judgment, a decision by a judge or a body of judges.

judicial, having to do with judges and courts.

jurisdiction, the matters in which a court has power to decide.

law of nations, international laws.

legislation, law making; laws.

legislative, having to do with law-making.

letters of marque and reprisal, licenses given by a government in time of war permitting privately owned ships to attack and seize enemy ships.

levying, raising or collecting.

magazines, ammunition storehouses.

maritime, having to do with the sea and commerce on it.

marque, the word is no longer in use. See *letters of marque and reprisal.*

militia, citizen-soldiers, supported by the State and called out only in times of special need.

most numerous branch, the lower house of the State legislature.

naturalization, the process by which a foreigner becomes a U. S. citizen.

net, free of or cleared from all charges or other deductions.

nominate, to name as a candidate for election or appointment.

oath, a pledge.

obligation of contracts, duty to keep an agreement.

open court, a court open to anyone who may care to attend.

ordain, to appoint to a duty or an office; to enact.

overt act, an act done in public, or at least openly in the presence of others.

participation, taking part in.

pensions, money paid regularly to war veterans, or others, as a reward for their services.

petition, a request.

petit jury, a body of twelve citizens selected to listen to the facts in a trial and make a decision.

piracies, robberies on the high seas.

posterity, those who come after; descendants.

post roads, roads over which mail is carried.

preamble, that which goes before; introduction.

prescribed, laid down or established as a guide, direction, or rule of action.

presentment, a statement by a grand jury that they know an offense has been committed, but are making no accusation (indictment).

press, all printed publications.

previous condition of servitude, the phrase refers to slavery

prior, previous.

proceedings, things done; business carried on.

propose, to suggest; to offer for consideration.

pro tempore, for the time being.

public ministers, persons appointed by the President to carry on certain particular governmental business, generally in foreign lands.

quartered, assigned to a place for lodging.

quorum, the number of members of an organization sufficient to do business.

ratification, acceptance or approval.

receipts, money received.

redress, relief from.

religious test, certain religious requirements.

reprieves, temporary delays in punishment.

requisite, necessary to.

revenue, income; the money collected by a government for meeting its expenses.

securities, paper money; certificates promising the payment of particular sums of money at certain dates or on demand.

sessions, meetings.

Speaker, the presiding officer, or chairman, of the House of Representatives.

subsequent, later.

suffrage, right to vote.

suits, disputes taken into court to be decided.

take effect, come into force.

taxes, money raised by a government to meet its expenses.

tender, the form of payment which the law says a person may demand for debts due him, as gold or silver coin or certificates.

treason, the act of helping the enemies of one's country.

treaty, an agreement between or among nations.

tribunals, courts.

uniform, equal or the same.

valid, just; right.

vested, given to; belonging to.

void, worthless.

warrant, a paper giving the power to do some certain thing.

writs of election, orders issued by an executive calling for an election at some other than the regular time.

yeas and nays, affirmative and negative votes.

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